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INTERNATIONAL CIVICS

THE COMMUNITY OF NATIONS

BY

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INTRODUCTION

THE day has long since passed when man, family, or nation can live alone. Huge corporations stretching their tentacles of commerce into the lives of every nation have drawn all countries so closely together that they form an immense fabric of trade covering all the known world. Paris is now but a few hours from New York. The business executive in London can maintain direct and personal administration of the affairs of his concern in South America. Among all the world powers of today one finds binding cords of association. A man of the twentieth century is, indeed, a world citizen.

With this intimate union in the realm of trade, has come an even closer relationship in civic, political, and social interests and undertakings of the component governments of the world. The extent to which human beings can live as integral members of such closely associated nations depends upon the extent to which the civic and political conditions, problems, and policies of each country are familiar to the citizens of all other countries. In other words, the only way in which an inhabitant of the United States can show an intelligent and sympathetic attitude toward the governmental affairs of another country is to have at least a passing knowledge of existing conditions and practices concerning such governmental affairs.

In the same way must a citizen of today know about the political and civic status of all spots of the earth. In this volume the authors have offered an account of conditions in various nations and the attempts of governments, both individually and collectively, to solve the problems of international relationships.

The student and layman will find this book fascinating in its richness of fact and clearness of interpretation. In addition to these qualities the teacher will find this work carefully organized. This organization, which includes chapter questions and suggested problems, makes *International Civics* an attractive introduction to the study of international problems. It is a pleasure to present the volume both for text use and for general reading purposes.

JOHN GUY FOWLKES

PREFACE

FOR many years the world has been growing smaller. Steamboats, airplanes, the telegraph, the radio — these and many other inventions — have combined to bring all the nations closely together. Hence there has been a constant increase in the various ways in which the interests of the nation are inter-related.

On the other hand these changes have come so rapidly that it has been very difficult for the world to adjust itself to the new conditions. It is certain that this new world with its ease of communication and exchange has the possibility of much benefit to the human race. But it is equally certain that the same conditions may produce clash and destruction. Man must learn to control the situation by means of scientific political engineering in order to form a real community of nations.

The first and perhaps the most important step in this process is the study of the conditions which are factors in international relations. America can work out a sound policy toward other nations only on the foundation of a knowledge of these factors. The World War destroyed any idea that may have existed that America could isolate herself from other nations. This does not mean that she should interfere in matters which do not concern her. It does mean that she cannot escape being interested in a large number of world problems. Consequently, she can protect herself in the future only by a careful study of these problems and the reasons for their existence, and by a

formulation of a national policy based on such a careful, scientific study.

In this book the authors have tried to do three things. They have tried to describe the existing community of nations — its composition and the types of relations and organizations found among its member nations. They have tried to indicate the fundamental problem, the problem of securing peace and justice among the nations, which must arise in such a study. And they have tried to indicate what appears to be the path which must be followed in order to reach that goal — organized coöperation or some degree of international federation.

Sufficient attention is probably given in the text to the second and third objects here named, but it may be useful to state at this stage the conception of the international community upon which the authors have proceeded, the meaning which they attach to some of the contrasting terms which they have employed, and in general, the plan of treatment which they have followed.

They conceive the *community of nations* to be composed of some *seventy independent nations*, many of which possess *dependent colonies* (Chaps. I and II). They conceive that the first type of relation to develop among the nations is *international intercourse* of an economic and cultural but non-political and non-legal character (Chap. III). They conceive that informal (non-legal, non-institutional) political relations, or *international politics*, develop next among the nations, (Chap. IV). From this point onward many *institutions and practices of international government* appear (Chaps. V–VII), giving rise to the problems of the *federal organization and enforcement of international authority and the establishment of peace* (Chaps. VIII–XI). Finally they conceive that the present effort to solve these problems deserves the fullest study

in the *background, origins, structure, and activities of the League of Nations* (Chaps. XII-XIV). In the concluding chapter an effort is made to indicate the *position which the United States has traditionally assumed* in these matters and the part which the *individual American citizen may play* in contributing to the solution of the greatest problem of statesmanship ever encountered by men in their life on this planet (Chap. XV).

Students and lay readers will find that these deep-seated and far-reaching problems require vigorous mental effort. The reading references and suggestions for study will aid in opening up various questions which are necessarily treated very concisely in the text. They should lead the student to examine the problems now before our country in a free and inquiring state of mind. Further than that, it is the hope of the authors that students will acquire an attitude of scientific and critical study before ranging themselves on either side of these important questions. If the book contributes in any degree to a better understanding by American students of the nature of the international problem and to the advance in the solution of that problem, the authors will feel amply justified in their undertaking.

P. B. P.
R. L. W.

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INTERNATIONAL CIVICS

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CHAPTER I

THE NATIONS

What is a nation ?

What kinds of nations exist today ?

What makes a nation powerful ?

How are boundary lines fixed ?

The world of nations. The land area of the world is divided at the present time among seventy independent nations. A century or two ago the number was very much larger and in another generation it will probably again be larger than it is today. A list of these nations is given at the end of this chapter. These nations come in contact one with another in many ways, and hence there has been built up among them a great system of international relations, international law, and that international organization which it is our purpose to study in this book.

What a nation is. Before we can consider these various types of international relations, however, we must understand what a nation is. The term "nation" is used in this book to mean a group of people who possess a government of their own and who act independently toward other similar groups. It makes practically no difference whether the group of people who make up a nation numbers only a few thousand people, as in the Republic of Panama, or many millions, as in China.

Likewise, it makes no difference whether these people live crowded together on a small area of land, or on a large area, as in Russia. The two things needed are, first, that a group of people shall be organized under a government which they recognize as possessing authority over them, and, second, that the government be independent of control by any other government.

Sometimes it seems difficult to determine whether or not to include a given country in the list of the nations of the world. Some countries, like Porto Rico, have a local government but are dependent on another nation for some of their rights and their privileges, as Porto Rico is dependent on the United States. Again, we often find revolutionary governments set up within a large country and putting forward a claim to public authority, just as the Confederate States attempted to set up a rival government in the United States in 1860. India, while a member of the League of Nations, has little further claim to rank as an independent nation. Finally certain countries, such as Canada, though legally portions of a larger whole, as Canada is part of the British Empire, seem in practice to be independent nations. The test which we must apply in deciding about these doubtful cases is definite and clear. Have other nations recognized the government in question by dealing with it? If so, the irregular way in which the new government came into being is unimportant. Actual power over its people, backed up by recognition by other nations, is the decisive evidence for which we must look in all cases.

Thus we see that the most important characteristic of the nation is the authority which it exercises within and without its boundaries. This authority is called the national sovereignty. Let us always remember that a nation is, when viewed

from the point of view of law and government, essentially a unit of sovereignty. By virtue of possessing this sovereignty, the nation is recognized as being able to exercise legal authority over its own people and to conduct independently its relations with other nations

The term "state" is frequently used to refer to the nation in this legal or governmental aspect. This use of the narrower word "state" to refer to the legal and governmental aspect of the nation implies that the bare idea of a governmental organization is something less than the full idea of a nation. The nation is felt by many people who are not lawyers or students of government to be a psychological or spiritual community of people who speak the same language, observe the same religion, possess common historical traditions, social manners or ideals, and who feel that they are all members of one great family. But we shall use the word "nation" as synonymous with the word "state," except in a few cases where for special reasons the term "state" seems more appropriate. We shall do so because we are regarding the nation usually in its governmental aspect, because it is now generally agreed that nationality should be the basis of state organization, and because the great majority of the independent states of the world today are in fact national states.

Origin of nations. Many things have been written about the origins of the nations. Some have believed that God created governments and laws to rule men on earth. Some believe that the nations grew out of the early families, clans, and tribes. Others think that strong leaders have forced people to obey them and have built governmental power out of physical power or psychological leadership. In the United States we are taught that the nation was formed by a contract or agreement among the people. In point of fact it appears

that the nations have appeared in the world in many different ways. Among the different methods just named nations have been built most commonly by means of family or tribal relationships, general political agreements, such as the Constitution of the United States, and personal leadership. It is more important now to study the recent history of the actual nations existing in the world and to see how they have come to be what they are in the course of the past century. It is more important still to study them as they exist today, irrespective of their origins.

We may first notice briefly the varied types of experiences through which the nations of the world today have passed on their way to their places in the modern world. Some of them have long traditions of constitutional development from feudal anarchy to national unity behind them, as have Great Britain and France. Some have a newly won independence from imperial domination to guard, as have Poland and Egypt. Some have appeared as the result of colonial revolution, as Mexico and the other nations of Latin America. Others boast of their origins in native states dating back to the misty dawn of human history, as China and Abyssinia. Study of the recent constitutional history of each of the seventy nations can alone reveal the full story of their origins in the modern international community.

Differences among the nations. — In the second place we notice that the seventy nations of the world differ greatly from one another as they stand in the world today. We shall now examine their differences by trying to group them together in various classes.

Size. — The nations differ first of all in size, as already indicated. Among the nations with huge areas and populations, are, besides China, the United States, India, and Russia.

Besides Panama we may notice, as examples of small nations, Belgium and Switzerland. Argentina or Spain or Poland may be regarded as nations of medium size. At the same time we should notice that there are many differences among the nations in respect to the number of persons in proportion to each square mile of area, or in their density of population, as it is called. In the Netherlands the density of population is five hundred sixty-three persons to the square mile, in Brazil it is only nine.

Location. — The nations are, furthermore, distributed very unevenly over the surface of the globe. Twenty-two only are found in the whole Western Hemisphere, only four in Africa, only eleven in Asia — and of these two are in Australasia — while thirty-three are crowded together on the relatively small continent of Europe. Similarly, two-thirds of all the nations in the world are located in the temperate zones, and these two-thirds include all the most powerful nations — the United States, Great Britain, France, Germany, Italy, and Japan. Only eleven nations are located south of the Equator, mainly in South America.

Race. — Likewise the nations differ greatly in race. There are over twenty-five nations of Latin race (such as France), at least eight of Slavic descent (as Russia), three Scandinavian (as Sweden), three Negro (as Liberia), three German (as Austria), two Mongolian (China and Japan), and six or seven Anglo-Saxon (including the United States), apart from thirteen or more which cannot well be classified. The important nations of the world are well distributed among all of these groups except the fourth.

Religion. — The nations differ in religion. Fully thirty nations are Roman Catholic Christian (as Italy and Spain), at least ten are Protestant Christian (as Denmark, Great

Britain), five are Greek or Orthodox Catholic Christian (as Russia and Greece), seven are Mohammedan (as Turkey), while four are Buddhist, Confucianist, Taoist, or Hindu. Again the important nations are well scattered among these groups.

Government. - About thirty-five nations in the world are republics (as France and Chile), in name at least, while of the remainder twenty-five are monarchies where the royal power is subject to parliamentary control (as Belgium and Great Britain), leaving only five or six nations with absolute monarchical governments, none of them of great importance (as Abyssinia). Women have been given the right to vote in some twenty nations, all of which are found in the Anglo-Saxon, German, Scandinavian, or Slavic groups. At the outbreak of the World War both the republican form of government and woman suffrage were far less prevalent than they are at present.

Law. - In the regulation of rights among private individuals, about forty nations observe what is known as the Civil law, a legal system built upon the law of ancient Rome, and handed down to us in close connection with the canon law of the Roman Catholic Church, by the scholars of the middle ages. Practically the whole of Continental Europe and all of the Latin American nations are in this group. The Anglo-American legal system is observed in a bare half-dozen nations, including the United States, while groups of three or four other nations observe Mohammedan law, Slavic law, or some native Asiatic legal system, these latter groups including several important nations. The Civil law tends to emphasize the authority of the government, the Anglo-American law the liberty of the individual.

Economic conditions. - Economic conditions vary greatly among the seventy nations of the world. Certain nations are

primarily manufacturing nations, such as Germany and Belgium. Certain nations are still predominantly agricultural, as Argentina, Canada, or Denmark. Certain nations are important in international relations mainly because of their mineral products, as is Mexico. The world's demand for raw materials such as rubber, oil, and copper, not to mention the staple commodities of meat, wheat, iron, and coal, gives to any nation able to produce these commodities great importance among its fellows. Many nations, among them the most important, such as Great Britain, now engage to a considerable extent in both industry and commerce, and a favored one or two, especially the United States, are in a position to engage in these activities and also in agriculture and mining to a great extent.

Finance. From the financial viewpoint nations are either lending nations or borrowers. In the former the money saved by the people is so plentiful that it can be loaned to foreign governments or to people in foreign countries. In the borrowing countries the need for building new factories and developing the riches of the soil is so great that capital must be imported for that purpose. Most of the debtor nations are new nations, where money is still scarce, as Brazil; the United States is already passing from the debtor to the creditor class.

Social conditions. — Social conditions vary enormously among the nations. In 1910 only three persons out of ten in Mexico could write their own language, in Great Britain eight. In 1920 ten persons in every thousand died during the year in Australia, in Chile thirty; in Norway fifty children in every thousand died before the age of one year, in Japan nearly two hundred. Conditions of poverty, crime, insanity, and so on, vary greatly from nation to nation, and no brief summary of such conditions can be given here. In general, it may be said that in only nine or ten nations can the traveler

expect to find conditions as he finds them in the United States, England, Germany, and France.



Photo by Ewing Galloway

A BUSINESS STREET IN CANTON, CHINA

Chinese architecture, language, dress, and transportation methods are seen here. Although strange to us, we should enjoy getting acquainted with these customs. The telephone posts and wires show us that we already have some elements of social life in common.

World attitude. — The foregoing factors mold the outlook and character of the nations in such a way that they assume

radically different attitudes in world affairs. The position taken by the small, backward, poverty-stricken nation differs from that of the big, modern, wealthy nation. The Latin, Catholic, Civil Law nation sees things from an angle of vision somewhat different from that of the Anglo-Saxon, Protestant, English Common Law country. The agricultural republic in America is bound to differ in outlook from the old kingdom in Europe engaged principally in commercial and banking activities.

Traditions. — We have seen that the nations have come into their present positions by various paths, by the unification of petty feudal units, by the disruption of empires, by the slow growth of native populations. As a result of this the various nations cherish widely different traditions, traditions peaceful and unwarlike, as in China; traditions of military glory or naval supremacy, as in France and Great Britain; of revolution for liberty's sake, as in all the American nations; of international federation and coöperation, as in Switzerland. Such national traditions color the national outlook in many present-day activities.

Power. — The most practically important difference among the nations is the difference in their power in relation to other nations. Thus some few nations have been able to gain enormous territorial possessions beyond their own boundaries by conquest of neighboring people, as has Russia. Virtually all the colonial possessions of the world today are in the hands of eleven powers, and chiefly in the hands of five, including Great Britain, France; and the United States. Most of the nations hold no colonies whatever. The matter of dependent territories will call for further discussion later. What we have to notice now is the nature and results of the differences of power among the nations to which reference has just been made.

The bases of the power of a nation are varied. Evidently population alone is no test, otherwise China and India would dominate the world. Nor is area alone a sound standard, for in that case Russia would be the lord of the earth. So it will be found in the end that no one test will give the true measure of national power. Belgium has more influence in the world than that to which her natural resources would entitle her, unless her strategic geographical location and the skilled intelligence of her people are included in natural resources. As we have seen, the important nations of the earth are well distributed among the nations of republican and monarchical government, Latin and Teutonic race, Catholic and Protestant religion. Nor will the big army alone provide a sufficient test; Great Britain exercises an influence out of all proportion to her small standing army. Nor is the big navy a sure standard; France has a fourth-rate navy. Nor may we judge by army and navy combined; in the years 1900 1910 and again in the years 1914 1917, but especially in the former period, the United States played a part in world politics out of all proportion to our small army and as yet undeveloped navy. The power of a nation among nations really depends on its possession of the means of carrying on effectively its relations with other nations. These means may include large areas of territory with rich agricultural and mineral resources, numbers of healthy people of good racial stock and thorough educational training, a well-developed economic and financial life, an effective system of law and government, a religion which encourages and does not discourage human endeavor, healthful social conditions for all, inspiring traditions of national unity and achievement in science, industry, commerce, art, and patriotism. Other considerations in the case must not be overlooked. China has population, area, and resources

that entitle her to first rank, but she lacks social unity and educational training; she is, therefore, to be classed on the score of national power among the very weakest nations. A nation weak in competitive strength may enjoy compensating advantages in other directions, but as far as national



92. Looking from Isring Galloway

BOUNDARY MARKER AND SIGN

This is the boundary between India and Afghanistan not far from the famous Khyber Pass. For years England watched this Pass to see that Russia did not invade India and start a general revolt.

power goes the facts of the case are too clear for misunderstanding and too important to be ignored.

Boundaries between the nations. — We have so far been considering the nations in their numbers and comparative qualities or characters, without any attention to their contacts with one another. We must now begin a study of those

contacts — a study which will occupy the rest of this book. And before we take up contacts among the nations in their activities one toward another we must notice their points of contact as they lie on the map, namely, their common boundary lines or frontiers.

Political boundaries. — Most of the boundary lines in the world can be explained and understood only as the products of political events. These events have been too complicated to describe here and too accidental to mean anything very important in connection with international life. The boundary between Germany and Austria stands where it does today as the result of repeated cessions and retrocessions of territory between the parties. These events have occurred quite independently of any principles of reason or justice, and in accord with the fortunes of international politics and war.

Mathematical boundaries. — A similar type of frontier is what might be called the mathematical frontier. Here we have a straight line drawn across the map without regard for any concrete facts, political, geographical, economical, or social. Such is the boundary between Paraguay and Bolivia. It means that the boundary region is not in serious dispute. It will be noted that Europe has no such boundary lines.

Geographical boundaries. — A type of boundary line based much more upon reason, yet in some ways akin to the mathematical line, is the geographical boundary. This boundary is drawn along a mountain ridge, a river, a desert, or other natural topographical feature. Such is the boundary between France and Spain, along the Pyrenees Mountains, and between the United States and Mexico along the Rio Grande. In view of the influence of geography on political events and social conditions, the geographical boundary often possesses a value

greater than that of mere convenience. It may be regarded as the ideal boundary except where the idea is pushed so far as to deny the application of other considerations which are more important. For example, the placing of a boundary along a river, thus dividing the river valley between two nations, may be far from ideal. If the valley constitutes a



Photo by Brown Bros.

THE PYRENEES MOUNTAINS BETWEEN FRANCE AND SPAIN

This is an example of a geographical boundary which possesses many advantages.

natural unit, the commercial, industrial, and agricultural interests of the valley as a whole, in short its economic interests, may suffer thereby.

Economic boundaries. — The economic frontier in contrast to the geographical boundary would take account of the economic unity of certain areas in dividing up the territory of the earth among the nations. This attitude is based on the fact

that territories in possession of different nations may by government action be prevented from coöperating as they should in the normal course of economic life. Many difficulties in Europe today flow from disregard of economic frontiers in map making. Austria presents a striking example of this because her new boundaries separate her from supplies of food and raw materials upon which she relies for prosperity.

The preceding view of boundary making, on the other hand, must not be taken too seriously. It is characteristic of the geographer or the economist who disregards every aspect of social life but the economic aspect. As a matter of fact boundaries are not set up entirely in that manner. They are not located along natural geographical lines or economic lines unless the most important national purposes are served thereby. And it is not always true that the national life would derive most net profit by economic unity, at the expense of other things.

Military boundaries. The military frontier illustrates this point very clearly. A military frontier is one located in accordance with purposes of military offense or defense against invasion. The mountain ridge frontier is such a frontier and the river frontier likewise; both are excellent defensive lines. But it is the military aspect of the situation, and not the geographical aspect of that situation, except as this affects the military aspect, that counts. And needless to say, some nations will wish the military aspects of the case to be given preference over all economic considerations, as in the case of the desire of France to have the Rhine as a boundary between herself and Germany.

Language boundaries. — Back of all these considerations lie others which may be felt to be more important than any of those named. If nationality is the proper basis of govern-

ment organization, should not frontiers be drawn according to nationality? And if language is the surest sign of nationality should not frontiers and language boundaries coincide? Many problems arise here, such as the question whether all South America outside of Brazil should be included in one nation because the people all speak the Spanish tongue, and the question of what is to be done with foreign language groups in the larger national society. But assuming that a method of treatment can be found for such cases, as will appear in a moment, the language-nationality frontier is obviously of more human importance than the political, mathematical, geographical, economical, or military boundary even though at times such considerations must for the moment and for a particular locality take precedence.

Boundaries by popular vote or plebiscite. The conclusion to which we are driven is that in view of the many and often conflicting factors involved, the real boundary will be located where people desire to have it located. Very often this desire does not coincide with factors which appear important to those viewing the situation from a greater distance. This conclusion means, therefore, that the votes of the people of a particular district in question can alone tell to which nation they wish to belong. On the other hand, so long as military defense is necessary and trade among nations is not free, the wishes of the people in a frontier district cannot be allowed to injure seriously the prosperity or safety of all the rest of the people in the nation who are dependent on the boundary line for their prosperity or safety. Such exceptions to the wishes of the people in the frontier district are becoming more rare because nations are finding other ways to take care of military considerations and economic needs than by a given placement of the boundary. In the future we may expect to see an

increasing number of cases where the boundary line is located solely according to the wishes and even the votes of the people in the frontier district.

Such, then, in brief, is the system of national states in the world today, their numbers, their characteristics and differences, and the reasons which guide them in setting up their boundaries. We are now ready to proceed to discover the structure of international relations, international law, and international government which has been built up because of the needs of the various nations. We have begun with the separate nations because they constitute the elementary parts of our world picture. We are now to try to discover the ways in which these parts are put together.

DEFINITIONS

Nation: a group of people who possess a government of their own and who act independently toward other similar groups.

Sovereignty: the governmental authority exercised within a nation and toward other nations.

State: a nation considered chiefly as a legal and governmental unit or entity.

Political boundary: a boundary fixed merely by the events of political history.

Mathematical boundary: a boundary consisting of a geometrical line.

Geographical boundary: a boundary following a natural geographical feature.

Economic boundary: a boundary following the lines of economic interest.

Military boundary: a boundary following a line of military defense.

Language boundary: a boundary separating groups of people speaking different languages.

Plebiscite boundary: a boundary fixed by popular vote.

STUDY HELPS

A. MAP EXERCISES

The following is an alphabetical list of the seventy nations of the world at the present time Abyssinia, Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Columbia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Esthonia, Finland, France, Germany, Great Britain, Greece, Guatemala, Haiti, Hedjaz, Honduras, Hungary, India, Iraq, Ireland, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Rumania, Russia, Salvador, San Marino, Jugo-Slavia, Siam, South Africa, Spain, Sweden, Switzerland, Turkey, United States, Uruguay, Venezuela.

1. On a blank world map write the names of these nations in their proper locations.
2. Prepare a map showing in colors the Latin, German, Anglo-Saxon, Negro, Scandinavian, Slavic, and Mongol independent nations.
3. On another map mark the nations which are republics.
4. Indicate on the map the five nations largest in area and the five having the densest population.

B QUESTIONS FOR DISCUSSION

1. What is meant by the term "nation"?
2. How does the term "state" differ in meaning from the term "nation"?
3. What do we mean by the term "national sovereignty"?
4. What was the "feudal system" and how has it influenced the development of certain nations?
5. Which boundaries of the United States are geographical? Which are mathematical?
6. What factors determine the power of a nation among other nations?
7. Why do nations often refuse to abide by a "natural" geographic or economic boundary line?
8. In what cases in recent years have boundary lines been located according to the votes of the people in the frontier district?
9. Why is Canada listed as an independent nation?

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CHAPTER II

EMPIRES AND COLONIES

What is imperialism?

How may a nation enlarge its territorial holdings?

What kinds of dependencies exist in the world?

What is the possible future of empires?

We have seen that the nations of the world differ widely in area and in population. France, for example, overshadows her neighbor Belgium in both numbers and area. Her preponderance over her neighbor would, moreover, be greatly accentuated if we took into account the colonies of France, which have an area twenty-five times the size of continental France and a population half again as large. This would remain true even if we include in Belgium the Belgian Congo, which is ninety times the area of Belgium herself. We often hear it said that the sun never sets on the British Empire because it extends to so many parts of the world. Evidently we have here certain facts in the field of international relations which demand a special study — facts relating to the territorial possessions of the nations. We discover, then, that certain nations together with the possessions which they have acquired are called “empires.” The possessions that are more or less dependent on the “mother country” are called “colonies.” This leads us to a consideration of how certain nations have acquired territory that is often many times larger than the original nation.

The activity with which we are now dealing is called imperialism. From the earliest periods in the history of international relations down to the present time, most nations have manifested an inclination to expand and annex to themselves additional areas of territory with the people living therein.



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HARBOR OF ALGIERS, FRENCH COLONY IN NORTHERN AFRICA

Algiers is situated on the slope of a hill facing the Mediterranean. The modern part of the town extends along the shore while the old town is on the heights. A Mohammedan Mosque may be seen on the summit of the hill.

That practice, or that program of action, is what is called imperialism. It is not so common today as it was in former times, but the results of the practice of imperialism in the past stare at us on every continent in the hundreds of dependent territories or colonies which are held in all parts of the world by the great powers of Europe and America.

Imperialistic expansion. — *Expansion by discovery.* — In the earlier periods of imperialistic expansion, colonial territories could be acquired very easily. Much of the land surface of the earth was unclaimed and even unexplored and undiscovered. In the absence of any rival claims, therefore, a nation could acquire by mere discovery and exploration vast areas of territory in remote parts of the earth. It was in this way that Great Britain acquired great holdings in North America and Australia while Spain acquired similar holdings in South America and the Indies.

Expansion by occupation. — As time went on and the land areas of the world were more frequently visited by various explorers, it came about that discovery was regarded as insufficient to serve as a foundation for a national claim to territory. It was necessary for a nation actually to take possession of new land and occupy it in order to prevent other nations from doing the same and in order to secure from other nations respect for its own claim. This led in time to the settlement of many colonies in various parts of the world by people sent out from Europe for this purpose, or by people who went out themselves to improve their living conditions. The thirteen colonies which formed the original states in the United States of America were established in this way.

In the course of this process, however, other methods of colonial activity were adopted which seem to us now to be more characteristic of imperial expansion. To those we will now turn.

Expansion by conquest. — The territories discovered and settled during the sixteenth and seventeenth centuries were largely uninhabited. Vast stretches of forest and meadow land were still untenanted by any human beings. Under such circumstances occupation was not difficult. Other areas,

however, were inhabited by native peoples far below the European settlers in civilization but capable of resisting with great fury the attempts to occupy the lands in which they lived. This gave rise to the necessity of taking the land from the Indians by war and conquest. In both North and South America, in Africa and Australia, the European nations were frequently compelled to wage long wars against native populations of varying degrees of savagery in order to possess the land. This may or may not have been a justifiable proceeding. In any case this is what actually happened in the development of colonial empires in the sixteenth and seventeenth centuries, and even later.

From fighting the natives for their lands it was a short step for the European nations to fight one another for their colonial holdings. Throughout the eighteenth century France and Great Britain and Spain fought over colonies in the Americas, in the Indies, in all the seven seas. Colonies were conquered now not by war against the natives, but by dispossessing the European garrison maintained there by the possessor nation. They were even "conquered" by defeating that nation on the battle fields of Europe and demanding the surrender of the desired colonial holdings as the price of peace. Many a colony in the East Indies or in America was conquered on the battle fields of Europe or in naval engagements on the waters of the North Atlantic.

Finally we come in contact with still another form of territorial conquest, namely, the conquest and annexation of territory on the continent of Europe itself. Spain was able to acquire territory by discovery or occupation or conquest from the natives in America, or in continental Europe by the conquest and suppression of the independent nation of the Netherlands. It is in this last type of conquest that we

find imperialism at its worst, as in the conquest and annexation by Germany of Schleswig-Holstein from Denmark in 1864, and of Alsace-Lorraine from France in 1871, and in the conquests of Napoleon a century ago.

The methods which have just been reviewed are not the only ones by which a nation may enlarge its territorial holdings. We may now examine the more recent methods of territorial expansion

Expansion by cession. In the cases of conquest already described a peculiar difference soon appeared in the manner of concluding the annexation of the territory in question. Where land was taken from native peoples, the physical process of destroying the inhabitants, expelling them from the area, or holding them in subjection was the main thing to be accomplished, and no more formal action needed to be taken. In some cases, however, agreements were signed with native chiefs in which the results of the conquest were recorded and the territory was formally ceded to the new occupant. These agreements were called treaties in imitation of agreements concluded among the European powers themselves. Finally, whenever colonies were passed about by these powers even as the result of war and conquest the action was almost invariably embodied in a treaty agreement. In fact it came to be held that territory conquered in war did not legally change ownership at all until the peace settlement which concluded the war.

This means that not conquest but cession came to be the standard method of modifying territorial holdings after they had been originally created by one nation or another by the discovery or occupation of new lands. Cessions could, of course, be brought about also by other means than conquest, as by purchase, exchange, or even by gift. Today the nations

deal with their territorial possessions much as individuals deal with land which they own, buying and selling them as so much real estate. They even proceed to rent or lease territory one to another for longer or shorter periods of time. The one limitation upon this sort of activity is found in the principle already mentioned, namely, that people ought not to be handed about from nation to nation without their consent, especially if we expect them to be loyal to the government. This principle is often, though not invariably, recognized in cases of cession by permitting the inhabitants to retain their original nationality and withdraw from the ceded territory and remain in their own country.

Expansion by voluntary union. — Finally, a nation may find an opportunity to increase its territories in the voluntary action of another nation in asking to be annexed to the former. Voluntary unions of this sort are seen in the cases of the annexation of Texas and Hawaii, at the time independent nations, to the United States, in 1845 and 1898, and the annexation of Fiume to Italy in 1924.

Motives for imperialistic expansion. — Needless to say, all of these activities arise from many complicated motives. The instinct to obtain and hold larger and larger portions of the earth's surface in one's possession, to see larger and larger sections of the map colored with our own national color, seems to have much to do with it. The national pride and glory is magnified thereby. Or there may be a national need for land for settlement purposes if the population is much congested at home, as in Japan. There may be a need for raw materials only to be obtained in the new territory, as in the case of Italy. There may be a need or desire for military or naval bases for strategic purposes in possible wars with other nations, as in the case of Great Britain.

In many cases, of course, the need or desire for the new territory is felt in a given nation by certain individuals or groups of individuals rather than by the nation as a whole. This is likely to be true particularly in the case of persons interested in trade or investment abroad or in manufacturing activities at home which depend on supplies of raw materials from abroad, or in a foreign market in which to sell the finished goods. These persons are very much inclined to press their financial and commercial activities to the point of securing government support for their interests abroad. They will seek and secure trade privileges, financial opportunities, mining and other concessions from foreign governments. Thus there are created such bonds of economic interest between their own nation and the foreign country, usually a backward debtor nation, that the latter becomes economically dependent on the former even if it remains politically independent.

This economic imperialism is in many ways obviously less objectionable than military and political imperialism so long as the one does not develop into the other, as is too often the case. It is true that economic imperialism is more subtle and therefore more likely to develop undetected to a point where it could not be stopped if that were really desired. It is also true that it is based almost wholly on nothing more elevated than private financial interest. But it does leave the exploited nation free to live its own life in cultural and political matters, and it may be a source of great benefits socially and economically to all parties concerned.

As a matter of fact fashions have changed in the past fifty years in these activities. A review of the changes in the character of empires and the methods of securing imperial domination will be very useful to us at this point.

Modern condemnation of imperialism. — Empire over other persons of different nationality on the continent of Europe began to lose moral prestige as early as the period of the Renaissance (1300 A.D.). By the time of the French Revolution (1789) this disapproval of conquest and empire in Europe had received vigorous popular expression and by the end of the Napoleonic period (1815) it had been well established in public opinion and international practice. The two or three exceptions to the observance of the principle of national independence during the century 1815-1914 were roundly condemned by all disinterested students of international relations. Both Napoleon and William of Hohenzollern are condemned at the bar of history for their design to extend their empire over the nations of Europe.

Colonial empire of the type created in the Americas by Great Britain and Spain also suffered a great setback in the period 1775-1825. The American Revolution and the revolt of the Spanish colonies in Central and South America almost wiped this type of imperialism from the face of the earth for the time being. From 1825 to 1875 the colonial holdings of European powers were reduced to a minimum.

Recent colonial imperialism. — Empire over uncivilized peoples in Africa and Asia, on the other hand, received a great accession of strength in the later nineteenth century and the earlier years of the present century. European nations divided up Africa among themselves in a typical militaristic-imperialistic manner. The worst traditions of eighteenth century colonial imperialism were thus perpetuated into the first decade of the twentieth century.

It is true that the earliest methods of empire building, discovery and occupation, were revived in the later nineteenth century for application in Africa, and we then saw further

discussion of legal doctrines originally developed two centuries or more earlier for use in North and South America.



Photo by Ewing Galloway

MAN-POWER PUMP FOR IRRIGATING A RICE FIELD, INDIA

Here is an example of native backwardness which makes the administration of colonies in Asia and Africa by European nations very difficult.

Moreover, while this situation lasted all was well, for empire-building by means of discovery and exploration has something

inspiring and encouraging about it. But the dark continent was soon staked out and then the final method of empire-building, military and diplomatic competition, seemed to reign supreme. At the beginning of the present century the powers of Europe were fighting, actually or potentially, over African colonial holdings much as they had fought over American colonies and the Indies a century and a half before.

This competition was bound to reach an end sometime, however, and by 1914 some degree of stabilization had been attained. African colonies were more or less equably distributed, and each nation recognized the situation as more or less permanent. The result was a further change in the fashions of imperialism. Regarding colonial possessions in 1914 as more or less fixed, there remained only to trade and traffic in possessions already acquired, and to build up economic control over other territories not open to actual annexation. In short, by 1914 not only were discovery and occupation in disuse as means of building up an empire, for want of new lands to discover or empty lands to occupy, but military conquest also had more or less gone out of practice, both for use in Europe and among colonial possessions properly, leaving voluntary cession, exchange, or retrocession and economic imperialism alone to be practiced in the future.

Types of dependencies. — The results of the past practice of imperialism are, however, still with us, for a map of the world which was colored only in those regions where the seventy independent nations exist would show many blank spaces. Those spaces would indicate the existence of a whole world of not independent but dependent territories, or "dependencies" as they are called. They constitute a sort of jungle or undergrowth or underworld of political forms and structures of all sorts, shapes, and sizes. Unfamiliarity with

this world of dependencies is disastrous to any attempt to understand world politics today.

Dependencies may be classified under a dozen or more names. They may also be arranged roughly in an ascending order in reference to the degree of their independence.

Occupied, leased, or administered territories. — The occupied territory is an area belonging to one nation but occupied, usually in time of war, by another nation in order to secure some sort of concessions from the former, and temporarily administered as a part of its own territory, as Belgium from 1914 to 1918. The leased territory is an area in one nation over which governmental authority has been leased to a second nation usually for a definite period of time, as the Panama Canal Zone. The administered province is an area of one nation assigned by agreement to another nation to be administered by it without becoming part of its territory. These three types of dependencies are much alike in character.

Crown colonies. — The crown colony, so called because it was first made familiar in British colonial practice, is a possession of a nation governed by it with complete discretion, as Jamaica. Ordinarily the crown colony does not even enjoy the protection of the constitutional rights in force in the home territories of the nation, but is controlled solely by the executive branch of the metropolitan government.

Autonomous colonies. — The autonomous colony is a familiar thing today. It is a colony with local self-government, or, indeed, any degree of autonomy granted by the mother country; this may even include control of foreign affairs. The British Dominions provide our best example of this sort of thing.

Vassal states and colonial protectorates. — With vassal states and colonial protectorates we are not so familiar. The for-

mer are native states which have permitted themselves to be placed under the suzerainty or sovereignty of some great power in order to enjoy the protection of the latter, as Bulgaria rested under the suzerainty of Turkey prior to 1908. They possess local self-government but no international standing. The colonial protectorate is in the same position as the



Photo from Keystone View

A SCENE IN FRENCH INDO-CHINA

Indo-China has a damp, hot climate favorable to the growing of palm and rubber trees.

vassal state, except that the identity of the protectorate seems to be clearer and the approach to independent life nearer, although the territory of the colonial protectorate, like that of the vassal state, must be regarded as internationally a part of the territory of the protecting state; the Indo-Chinese states, Annam, Tonkin, Laos, and Cambodia, are colonial protectorates of France.

Mandated territories; international protectorates. — It is very different with the mandated territory and the international protectorate. The former is a territory administered, more or less with the aid of the people of the district, by a certain nation, under the supervision of the League of Nations, without the territory of the mandated area becoming part of that of the governing nation and without the people of the former becoming citizens of the latter. Thus Palestine is today governed by Great Britain under League supervision. The international protectorate is a country in a position similar to that of the colonial protectorate except that mere withdrawal of the protectorate relationship and control of foreign affairs would leave the protected nation independent in its own name, as in the case of Morocco. In all of the last four cases local government is mainly in local hands, foreign affairs in the hands of the protecting nation, but there are important differences among these four types of dependencies in all other respects.

Spheres of influence. — The sphere of influence gets still further afield. It is merely an area in the territories of one nation, in which another nation or its citizens have been given certain preferences or privileges in commercial matters. It is one form of expression of economic imperialism and amounts to nothing in the way of annexation or local administration or even control of foreign affairs.

States members of unions of states. — States that are members of personal unions and states members of federal unions resemble one another greatly in their position. The former are nations joined together by being subject to the same king or other personal ruler while possibly remaining independent in all matters of governmental organization and practice, as Iceland and Denmark today. The latter are states joined by

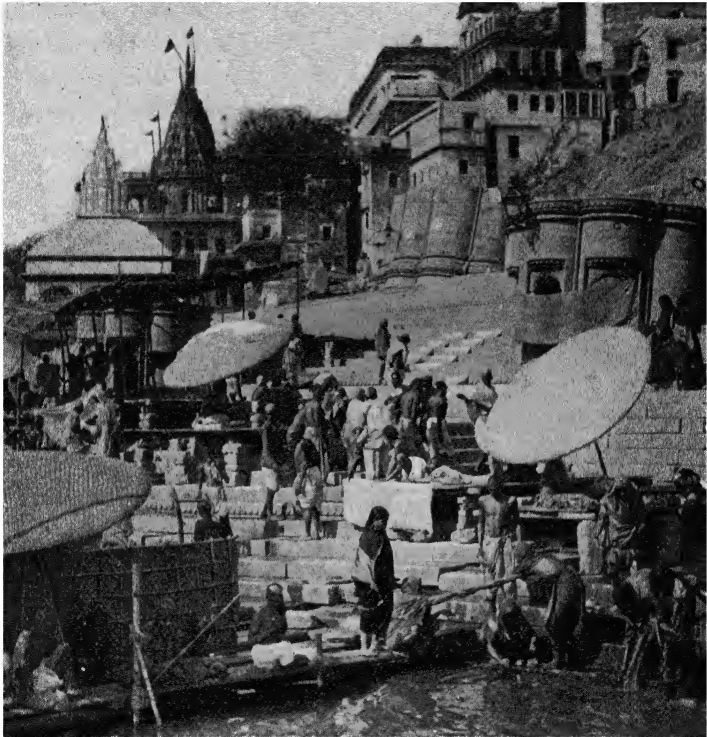
common organs of government, and subject to provisions relating to governmental practice of varying degrees of authority. These range from the loose union called the "real union" to the confederacy and on up to the federal union such as the United States of America.

Neutralized and guaranteed states. — Finally there are the nations which, though normally independent in all matters of local government and foreign relations, and therefore to be included in the seventy nations of the world, have by special agreements been neutralized or guaranteed by other nations, such as Switzerland. These nations have been rendered immune to attack and to having their territories used by other nations at war with one another. In the narrowest sense these nations are not dependent on any other government or governments and are, therefore, not dependencies but independent nations. But they have commonly surrendered the right to make war unless attacked, or some other right of an independent nation. Hence it seems best to enter them here in this doubtful position.

By way of a summary it may be said that there are about thirteen hundred dependencies in the world today. Of them all, the colonial protectorates are most numerous, for this class includes the seven hundred native states in India which stand in that relation to Great Britain. There are about two hundred and fifty members of federal unions, including the states of the United States, the states of Germany, the Swiss cantons, and the states or provinces in Brazil and Argentina. There are about one hundred crown colonies. None of the other classes numbers more than ten examples.

Needless to say there are many aspects of the problems of dependencies which cannot be described here. For all of these forms of dependencies come into existence under different cir-

cumstances, possess different advantages and disadvantages for the people in the dependency and in the governing nation,



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RELIGIOUS DEVOTEES BATHING IN THE GANGES

The problems of governing a strange people with their strange customs may be felt in looking on this scene.

and look forward to different future developments. The study of dependencies is a fascinating and profitable field too little cultivated in America today.

Future of dependencies. — Of all the dependencies, the autonomous colony and the mandated territory promise most in a solution of the problem of imperialism. Let us see why this is true.

In the autonomous colony we see a crown colony, the most closely held of all types of dependencies, on the way to independence. If the autonomy granted by the mother country extends to foreign affairs, the position of the colony will differ from that of the independent nation not at all in practice but only in legal theory, as in the case of Canada. If the example of the British Dominions were followed in the cases of certain French and Italian colonies, certain Russian territories, and even in the cases of Porto Rico and the Philippines, many difficulties in international relations attendant upon the existence of huge colonial empires would be ameliorated.

Mention of territories in federal Russia, however, naturally leads to the notice at this point of the fact that the states who are members of federal unions may themselves see a larger share in international relations in the future. This is particularly possible if such nations as France, Italy, China, and Great Britain resort to a practice of decentralization or federalization, as sometimes seems probable. Good authorities have suggested that certain great States in the United States should even now be allowed to sign certain types of commercial and other treaties with foreign nations in their own names.

It is the mandated territory, however, which presents the most novel as well as the most radical avenue of escape from the problem of dependencies. Certain territories formerly belonging to Germany and Turkey are administered under British, French, Japanese, and Belgian authority, subject to supervision by the League of Nations. By this means territories not yet capable of independence, and hardly capable

of achieving for themselves the position of autonomous colonies, are given that status. The lot of the dependent territory itself is improved at once and hope of future independence and full nationhood made bright. The overweening power and influence of the metropolitan government over the dependency is checked and its inflated prestige in international relations, due to its colonial holdings, restricted in its effect. Other nations may be given privileges of trade under the League's supervision, which could not otherwise be obtained.

The ultimate result of the extension of these two or three devices may be imagined. Great empires or federations, built up by discovery, occupation, and conquest as we have seen, may well be decentralized and dependent territorial units given independent status until instead of seventy independent nations of widely divergent size and thirteen hundreds of dependencies, large and small also, the state-system of the world would be made up for purposes of international relations of two hundred or two hundred and fifty moderate sized, fairly equal, independent nations. Such a result seems very probable to students of the state-system of the world today; it may be centuries in developing, but it also may be nearer than we realize.

DEFINITIONS

Imperialism: a program of national territorial expansion.

Cession: the transfer of territory by international agreement.

Economic imperialism: the establishment of financial and commercial influence in and control over foreign countries.

Occupied territory: territory of one nation occupied by the military forces of another.

Leased territory: territory of one nation the use of and authority over which is leased to another.

Administered province: a province of one nation administered by another.

Crown colony: a colony governed without restrictions on the national authority.

Autonomous colony: a colony possessing the right of self government.

Vassal state: a country legally under the sovereignty of another country but enjoying a semi-independent position

Colonial protectorate: a native state under protection of an advanced nation.

Mandated territory: a territory governed by an advanced nation under the supervision of the League of Nations

International protectorate: an otherwise independent nation placed under the protection of another nation

Sphere of influence: a region recognized as the area in which another country may have preference in commercial and political activity

State member of a union of states: a state subjected to a personal ruler who also rules another state, or to a government which also governs another state, or a state in a federal union.

Neutralized state: a state forbidden to make offensive war

Guaranteed state: a state whose position and rights have been guaranteed by other nations.

STUDY HELPS

A. MAP PROJECTS

1. On a blank world map color the colonial empires of France, Great Britain, and Italy.
2. On a blank map of Africa indicate the colonial holdings of the nations as they stood in 1914.
3. Color on a map the territory acquired by the U. S. since 1895.

B. QUESTIONS FOR DISCUSSION

1. What colonies did Great Britain and France have in 1750 that they do not now possess?
2. Describe the events that led up to the annexation of Schleswig-Holstein and Alsace-Lorraine by Germany.
3. What are the most important factors that drive a nation to seek more territory?
4. What changes were made in African colonies by the World War?
5. What proportion of the area of the world constitutes "dependencies"?

6. In which hemisphere are most of the colonies located? On which continent? In which zone of climate?
7. What relation has the Monroe Doctrine had to the expansion of European nations in North and South America?

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CHAPTER III

INTERNATIONAL INTERCOURSE

What does international intercourse mean?

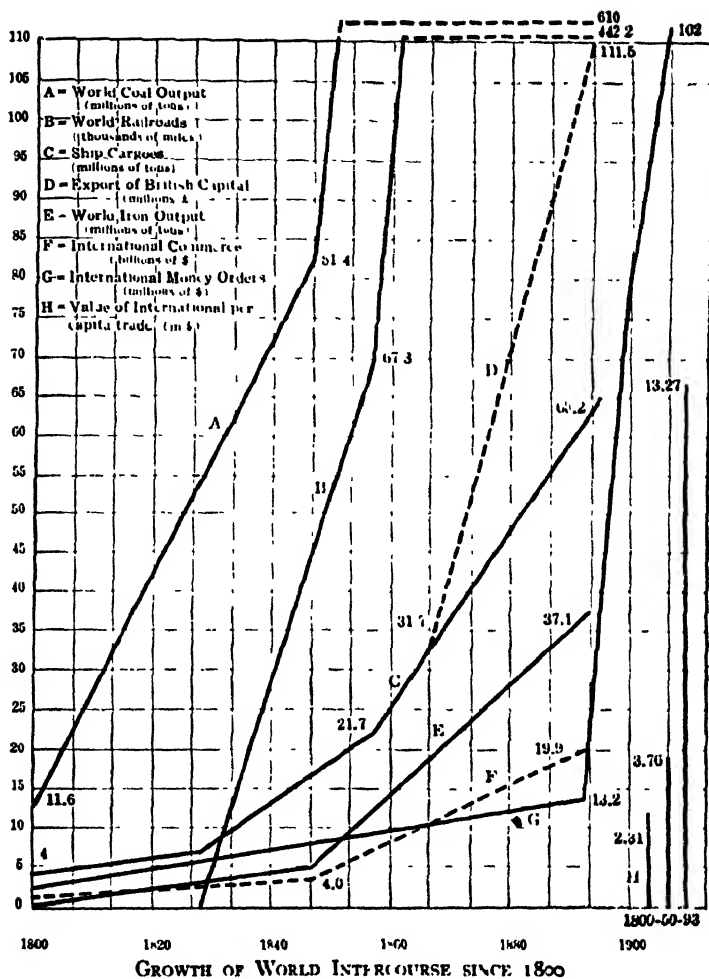
How do such activities among the people of the nations produce a world spirit?

What have been the principal causes of modern cosmopolitanism?

What effect have such activities on official international relations?

Types of international intercourse. - Among the nations of the world and their colonies, which are henceforth to be considered as parts of the nations possessing them, develops first a type of activity called international intercourse. In spite of the attention that we give to the political and legal activities of the nations, their economic and social activities are certainly more elementary and more vital. Hence it is from these latter activities of the nations that international political relations arise.

International communication. Probably the simplest form of international intercourse is found in international communication. We may imagine two persons in primitive times standing on either side of a national boundary and discussing the weather or a local earthquake. Today these individuals and those further behind the national boundaries have the telegraph and telephone, wireless telegraph and radio telephone, postal service and cable facilities, to help them talk with one another. Cable lines increased from a total of 15,000 miles in 1870 to about 250,000 in 1925; letters exchanged per



These graphs indicate the way in which many forms of international intercourse expanded in the past century. The greatest increases occurred after 1850. The lines marked C and H are the most significant of all the developments shown.

person per year in Europe increased from seven to forty-three between 1840 and 1900, and now the large mail steamers carry tens of thousands of mail bags out of New York harbor for Europe on every trip. Telephone service was recently opened between New York and London. The past century has seen an enormous development of all of these means of communication, most if not all of them employed by individuals for dealing with other individuals living in the many foreign countries.

Trade and travel. — The two persons whom we imagined standing at the national frontier would not be human if they did not exchange knives or bracelets or food with each other before very long. Today international trade has reached vast proportions; between 1800 and 1900 the value of all international trade grew from one and a half to twenty billions of dollars, or from \$2 31 to \$14.00 per person. In all our American cities — as in the cities of Europe — the goods of a thousand ports and towns in a hundred nations are gathered from the ends of the earth. One can buy an American Singer Sewing Machine in Calcutta, India, as well as in New York, a Chinese dish in Chicago as well as in Shanghai, China, if not as cheaply.

The two persons at the frontier will soon yield to the temptation to visit with one another also. Today hundreds of thousands of travelers cross and recross the national boundaries from East to West and North to South, assisted by over a score of travel agencies, including those of Thomas F. Cook and Son and the American Express Co., which have their offices in all parts of the globe. British and American people have long been the most active in this matter; they are being followed closely by Germans, Dutch, and persons of every nationality. First there are the persons who travel great dis-

tances but soon return home. Then there are the immigrants who go from one country to another to live, and who return

The collage consists of numerous rectangular and irregularly shaped advertisements for various shipping lines. Key elements include:

- Fortnightly Service to JAPAN-CHINA & PHILIPPINES via Canadian Pacific:** Features a ship illustration and text about bi-weekly service.
- Mediterranean "HOMERIC":** A circular logo with text about Mediterranean routes.
- THOS. COOK & SON:** A prominent rectangular ad in the upper center.
- WHITE STAR:** Multiple logos and text blocks for this line, including "RED STAR LINE" and "AMERICAN LINE".
- CUNARD:** Large text blocks for "ANCHOR DONALDSON AUSTRALIA" and "CANADIAN SERVICE".
- PACIFIC LINE:** Advertisements for routes to South America and Australia.
- French Line:** A logo featuring a ship and text about French routes.
- HOLLAND:** Advertisements for routes to Africa and Australia.
- UNITED AMERICAN:** Advertisements for routes to Europe and Australia.
- EGYPT-INDIA:** Advertisements for routes to the East.
- NEW YORK TO EUROPE:** Multiple ads for various lines serving transatlantic routes.
- CHINA:** Advertisements for routes to the Far East.
- AFRICA:** Advertisements for routes to the continent.
- AUSTRALIA:** Multiple ads for routes to the continent.

TRAVEL FACILITIES ADVERTISED IN A DAILY PAPER

We are offered accommodations to all parts of the world in these advertisements, on boats belonging to American, British, Dutch, French, German, Italian, and Scandinavian lines.

home, if ever, only after a long stay abroad. The latter contribute a great deal also to the total mass of international intercourse.

Inasmuch as the nations of the world are grouped together upon six different continents, which are in turn separated one from another by five great oceans, much of this traveling must be done by sea, and the increase in the transoceanic steamer services during the past generation seems symbolical of the



© Aerofluns from L'wing Galloway

SOUTHAMPTON HARBOR, ENGLAND

Ships from all parts of the world sail from and to this port. Tens of thousands of Americans land here annually.

whole development. We should not, however, forget the expansion of freight transportation also, which promotes the development of trade which we have already described. Between 1800 and 1900 ships of the world increased in carrying capacity from five to sixty-five million tons. International railways and railway trains have increased in similar manner.

Now airships ply regularly between London, Paris, Warsaw, Constantinople, and other points, carrying both passengers and freight. All of these operations are enormously accelerated by the modern use of through tickets and bills of lading, uniform track and rolling stock on railways, standardized units of measurement and designation of goods, elaborate credit arrangements, and so on.

Finance and business. The financing of all of these activities results in further similar developments. Money is spent by travelers by means of letters of credit or travelers' checks; by them railway and steamer tickets are purchased far from the home offices of the railway and steamship companies. Immigrants send postal money orders home to the relatives they have left behind in the fatherland. Foreign bills of exchange, by which money can be sent from country to country, are purchased and sold by importer and exporter. Foreign governments and business houses borrow money on bonds. Even if national coins differ in names and appearance and the English pound or French franc and German mark change slightly in value from day to day the exchange broker and the international banker have nevertheless woven a web of world finance and credit which is in many ways the main support of all other forms of international intercourse.

The international bankers and exchange brokers just mentioned, and likewise the steamship companies and travel agents already referred to, maintain branch offices in many countries. Irrespective of the nature of their business, therefore, they present the aspect of world-wide business houses operating across or beyond national boundary lines. The trading or manufacturing concern with offices in different countries provides a still clearer illustration of this sort of thing. The American Standard Oil Company and the International Har-

vester Company maintain plants and offices in dozens of foreign cities. In addition to this the Standard Oil Company maintains a group of traveling salesmen in foreign lands and its own transoceanic freight service and engages in its own name in international financial activities of great magnitude.



(C) Barton Holmes from Ewing Galloway

HONGKONG-SHANGHAI BANK IN SHANGHAI

This bank in China is financed mainly through British capital. It has branches in many Oriental cities.

Finally we should also remember that stock is owned in world-wide business concerns of this type by many persons living in many different lands. Business is thus conducted on a world-wide scale today.

News. — A business concern of a distinct type is the international news bureau. The telegraph has made world-wide

PARIS FINDS A NEW PLAYWRIGHT

NEW HALL FOR LONDON

Vast Home for Concerts and Opera Seating
Over 4,000 Will Cost £400,000

ANNIVERSARY MOOD PREVAILS IN FRANCE

Algeria Honors Gaston Thom-
son, While Nation Sits at
Feet of Aristide Briand

DOUBT KING FUAD WILL GO TO LONDON

Egyptians Close to Throne Say
He Fears He Would Not
Return.

COUNTRY QUIET POLITICALLY

PALESTINE ELECTION CONTROLLED BY JEWS

FOREIGN EXCHANGE

Market Quiet, Rates Hold—
Lire Dip, but Pesetas and
Kroner Move Higher

CAUTIONS COOLIDGE ON 'AIDING' MEXICO

Paper There Says Help to
Latin America Must Not Make
Nations Seem Protectorates.

ONLY WAY TO FRIENDSHIP

President's Speech and Comment of
Cables Open Door to Negotiation,
the Excelsior Holds.

GERMANY'S FINANCES CONFUSE TAXPAYERS

Postage Costs Go Up, Although
Berlin's Treasury Shows a
Large Surplus

UNEMPLOYMENT IS REDUCED

CANADA PLANS FOR DIRIGIBLES

Britain Sends Experts to Make
a Survey for the Erection
of Mooring Masts

CHANG BIDS FOR AID OF POWERS IN FIGHT TO UNITE ALL CHINA

Mukden Marshal 'Could Make
Country Safe for Foreigners
in 6 Months, Advisor Says.

GERMAN PEASANTS FORM OWN PARTY

MACEDONIAN ISSUE REMAINS VEXATIOUS

Inhabitants of Balkan Trouble
Area Think That the Efforts
to Settle It Will Fail

TULIPS IN HOLLAND LURE AMERICANS

Annual Spring Visit Becomes
So Great a Custom That Air
Lines Run Excursions

GORGEOUS VIEWS FROM SKY

BATTLE OVER LIRA ENGROSSES ITALY

FOREIGN NEWS IN ONE ISSUE OF THE *New York Times*

Here we are offered news from England, France, Italy, Egypt, Palestine, Mexico, Germany, Canada, China, Macedonia, and Holland. Notice also the variety of subjects treated.

news gathering simple. As a result American newspapers such as the *New York Times* and the *Chicago Tribune* maintain offices and correspondents in dozens of cities all over the world, and there have sprung up many news agencies such as Reuter's Agency, the Havas Agency, the Wolff Bureau, in Europe, whose sole business is to gather news wherever it may be found and sell it to newspapers wherever they are published. As a further result the individual in New York may read in the evening of events which have occurred that day in London, Rome, Peking, Cape Town (South Africa), Sidney (Australia), and Buenos Aires.

Literature. — From reading world news in an American newspaper our citizens in New York or Chicago may turn to an article on American life written by a German and published in a British magazine. Or he may take up an English translation of a Norwegian novel published in London. In other words from the daily press he may turn to literature which, as any library catalogue will quickly reveal, is made up of the thoughts and feelings exchanged by writers and readers and students in all countries of the world. The catalogues of American publishers go to Europe, and the catalogues of British and German and French publishers are sent to America. They are followed by steady shipments of books and periodicals to libraries, schools, and even private individuals.

Art. -- When the citizen turns from his book to his piano or his phonograph even the barrier of language is left behind. A catalogue of phonograph records is a simple but vivid example of the sort of thing we are discussing and indicates how many of our artistic materials come to us from abroad. So for the art museum, with its exhibits of sculptures and pictures and jewelry and pottery and textiles from all the peoples of the earth. When we are in the presence of such collections, and

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PAGE FROM CATALOG OF VICTOR PHONOGRAPH RECORDS

We see listed here musical compositions of Italian, French, German, Dutch, Polish, English, Russian, Hungarian, Danish, Swedish, Norwegian, and American nationality, all available for use in the American home. Such a cosmopolitan supply of music would have been out of reach of all but a very few people twenty-five years ago.

when we have seen such things, we are all made sharers in the civilization of the world irrespective of whether we visit such galleries in St. Louis or Berlin.

Science. — More prosaic but certainly no less important is international intercourse in the field of science. Students and

teachers of political and social science communicate with one another and exchange materials and ideas the world around in connection with their work. Engineers and medical men, astronomers and chemists and biologists carry on their activities on a world basis and tend to forget entirely the significance of national boundaries and national governments.

Charity. — Another international activity which is sometimes more widely known than literature, or art, or science, consists of aid which is frequently given to people in very distant regions. Feelings of sympathy and practical expressions of that sympathy are extended to regions stricken by earthquake or famine in all lands. Especially since the World War people have been asked to give to assist those who have been left homeless or who for other reasons need such assistance.

Religious observances We find also that religious beliefs, observances, and church arrangements are quite international in character. Catholics all over the world look to Rome for direction in many of the arrangements of their church life. Mohammed is worshiped from Morocco to India. The birthday of Christ is celebrated in Alaska and Russia, as well as in furthestmost South America. Missionaries from Kansas labor in the interior provinces of China. Many other examples might be cited to show the international character of religious observances.

Sports. Although far below art, letters, science, and religion, in its significance in human life the development of world-wide sports and athletic activities does not deserve to be ignored. A "world record" is a familiar phrase, but it is an idea of revolutionary importance in the history of international relations. The Olympic Games furnish a spectacular manifestation of the world-wide interest in this sort of thing. The increasing visits of champions in one field of sport or another

to foreign lands there to compete with native champions constitute another example of the same activity.

Results of international intercourse. - There are two results of all this sort of activity which call for notice. One is the formation of many unofficial or private international associations. The other is the development of a cosmopolitan outlook on life.

Foundation of private international associations. - Now it is most natural for persons who are engaged in the same activity or interested in the same things in different countries to wish to form an association for the purpose of exchanging ideas on their common activity and cooperating in other ways in promoting their common interest. Hence the development of international intercourse and the appearance of people in different countries engaged in similar activities has led to the formation of many private international associations of all sorts. These associations usually develop by the joining together of national associations already in existence. They are international only in an unofficial sense. They hold many world conferences and conventions. And they cover every field of human endeavor, from chemical research to hotel keeping, as witness the International Association of Copper Chemists and the General Association of Hotel Keepers. There are religious and scientific and commercial and literary and athletic and educational associations, such as the International Y. M. C. A., the Boy Scouts International Bureau, the International Federation of University Women. Over five hundred such organizations exist today. They include among others the great business men's organizations and world-wide international labor organizations.

Development of cosmopolitanism. - Secondly, all of this sort of activity produces a psychological effect upon those engaged

in it. It produces the habit of thinking in terms of the activity or interest itself, on a world-wide scale, and forgetting considerations of nationality entirely. This we call the cosmopolitan spirit. An American physician has much more in common with a French physician than with an American ship-owner. An American boy scout would have much in common with a German boy scout as soon as they met. For evil or for good the development of modern cosmopolitanism marks an era in human history as important as the coming of Christianity or the birth of natural science.

Character of modern cosmopolitanism. — Certain characteristics of the cosmopolitan attitude may be clearly noted by all observers. They may be summarized under two heads.

Spontaneous and natural character -- The activities of international intercourse are concrete and practical activities which are undertaken for their own sake and not because of any theory of international organization. A few persons may deliberately read foreign literature in order to cultivate a cosmopolitan spirit but in the main people trade and travel across national lines because they want to make money or have a good time, and they listen to foreign music or look at foreign pictures or read foreign books for similar practical reasons. The gentlemen in the International Chamber of Commerce are not there because they are convinced cosmopolites for most of them are ardent nationalists, but because they think it is good business. So far as their present activity has any bearing at all on their attitude toward nationalism we may say they are there in spite of their nationalism. The implication is obvious. Cosmopolitanism as we have been describing it is not an artificially nursed hot-house plant but a natural product of modern conditions in the world. In many ways it is more natural and wholesome than official interna-

tional activities. It is originally and remains for the better part of its career wholly informal, unregulated, and sincere.

Personal character of cosmopolitanism. Another reason for this is found in a second trait of modern cosmopolitanism, namely, its personal character. The activities described above are activities of individuals or business concerns, not of large groups of people. Even where the private national associations act to form international associations it is the individuals in the national associations who are the moving spirits. This is a fact which distinguishes cosmopolitanism from internationalism very sharply, for the latter is a form of activity where the unit is the nation or the national government and where the individual is very far beneath the surface. The result is again that cosmopolitanism displays a sincerity and an integrity often absent from official internationalism.

Causes of modern cosmopolitanism. It would be false, however, to think that modern international intercourse and modern cosmopolitanism spring entirely or ultimately from the desires and the preferences of the individuals concerned. In no small degree they spring from causes far deeper and far more general and impersonal.

Mechanical inventions. The principal causes which have fostered modern cosmopolitanism are to be found in Franklin's kite and Watt's tea kettle, in other words in mechanical inventions which have improved the processes of transportation and communication. To steam locomotives and steamships, to telegraphs and the printing press are to be ascribed the main responsibility for the enormous development in world unity of economic, cultural, and scientific life in the past generation. All of the forms of international intercourse which we described above depend at some stage on cheap and efficient means of communication or transportation to make them

possible. And such means of communication have done much to induce these developments apart from any deeper causes.

Economic and social causes. — Deeper causes are to be found, however, in the great increase in production in the manufacturing world which began a half century or more ago. The



Courtesy of Radio Corporation of America

MODERN RADIO BROADCASTING STATION

The invention of the radio promises to spread news over the world with incredible speed.

world's supply of basic materials such as coal and iron increased from twelve to six hundred and ten and from one to thirty-eight million tons, respectively, between 1800 and 1900. Likewise the agricultural products available in world markets increased proportionately. Finally the supplies of manufactured furniture and clothing and all other sorts of goods grew by leaps and bounds. The beginning of the

twentieth century saw such floods of goods of all sorts deluging the markets of the world as had never been dreamed in the history of man. The result was the appearance of exportable surpluses of food and manufactured articles in all parts of the western world. This gave rise to a search for sales markets for these products, to a search for adequate supplies of raw materials to feed the factories, and to a demand for railways and ships to carry these commodities. It also gave rise to increases in wages and prices in all producing countries which resulted in unexpected increases in the world's population, entailing still further demands for food and supplies and transportation facilities. This industrial revolution which began over a century ago but has only recently come to fruition was originally due to mechanical inventions similar to those which appeared in the fields of transportation and communication. That does not alter the fact that this industrial expansion has operated independently in the past fifty years with the effects just described.

To sum it all up we may say that modern cosmopolitanism is the product of a process whereby human life on this planet has become more resourceful and powerful and also increasingly eager for satisfactions far beyond the range of men a century ago. Today we can do things, go to places, see, hear, feel, and think things not even imagined a century ago. With all due respect for our forefathers the fact of the matter is that individual and social life on this planet has been so intensified and expanded in the past century that we live in a different world. The result is that the nationalistic world system of their day is as inadequate for present world needs as is a horse car for modern transportation.

Relations of modern cosmopolitanism. — *To patriotism and nationalism.* — This does not mean that patriotism, love for

one's own country, is obsolete. No mistake could be more unnecessary than to infer that what is said in explanation of cosmopolitanism means a criticism of patriotism. Cosmopolitanism can appear only where extreme nationalism, or the habit of thinking and acting merely as a citizen of one nation, disappears as a result of natural causes. Where any vital nationalism remains it would be folly to attempt to disparage it, much less to try to suppress it deliberately in order to promote cosmopolitanism. It is only where the nationalistic state-system proves artificial and is maintained as an abstract theory which limits and hampers the natural growth of world society and world culture, that nationalism can be condemned in this way.

Many excellent illustrations of this relationship between cosmopolitanism and nationalism may be found. Thus from the cosmopolitan point of view a person will travel in Italy to see that country and its historical sights. He will buy a Swiss watch because he thinks it is a good watch. He will read Shakespeare because he is interested in human drama. An ardent Italian will live in Italy because he believes in Italy as a nation. A Swiss will buy a Swiss watch because it is Swiss regardless of its worth. An Englishman will read Shakespeare as a picture of English life. When the nationalistic aspects of a situation emerge in a natural way, a cosmopolitan outlook is impossible. Much music is of a unifying and cosmopolitan nature, yet one cannot listen to the Marseillaise as mere music. It is almost entirely nationalistic in its nature and effect. On the other hand, if one is interested in getting the best shoes in the world he will buy American or British made shoes regardless of what nationality he claims. His natural interest to get good shoes produces a cosmopolitan outlook rather than a nationalistic outlook.

Another excellent illustration of this close alternation between cosmopolitanism and nationalism in actual life is seen in the international expositions of which a score or more have been held in the past fifty years in Brussels, Paris, Philadelphia, San Francisco, and other cities. At such exhibitions we have a world in miniature, and one man may look at it wholly from the world point of view. Another may preserve the nationalistic point of view. The former will seek for the best achievements of man as there exhibited, irrespective of whence they come. The latter will seek to find how many times the exhibits of his own people triumph over those of other nations. The chances are that a person will take the former attitude toward those matters in which he is most interested for their own sake and the second attitude in all other matters. In any case the international exposition is a splendid summary of the whole activity of international intercourse.

To official internationalism. Finally it is time to notice how, out of these unofficial activities and this body of modern cosmopolitanism, have emerged and developed the official international activities which we call international law and politics. This will form a bond between what we have just discussed and the remainder of our book.

In the next chapter we shall study a type of international activity called international politics, the simplest of all international activities. It consists in the constant give-and-take of international friendships and rivalries, the competition and coöperation arising out of differences of interest among the nations, such as those described above in our first chapter. Now it is in international intercourse that all of these differences first become apparent. This is particularly true in regard to economic differences, which are among the most

fundamental of all international differences. They are very commonly trade rivalries and rivalries in regard to cable communications or overseas investments or supplies of raw materials that produce the bitterest rivalries in international politics. Thus those very activities which promote cosmopolitan unity at one time will, if deliberately made the object of international competition, and not allowed to develop naturally without arbitrary interference of national governments, produce frightful results in the shape of national conflicts and war, just as music, the unifier of mankind, may be put to nationalistic purposes by the military band.

In a succeeding chapter we shall study international agreements or treaties, and international law. If we watch carefully we shall see that the bulk of the rules of international law, whether we find them in treaties or in the customs of the nations, deal with international intercourse. Commercial treaties are more numerous than treaties of any other single variety. The rules of international law relating to the treatment of persons traveling or residing abroad are among those which have been worked out with greatest precision and completeness. The rules relating to the treatment of ships are legion. Apart from the rules defining the nation and its sovereign powers, and the laws of war, which are in a class by themselves, the foundations of all the commoner rules of international law are to be found in international contacts of one sort or another such as we have just described.

In the chapters which follow the two just mentioned we shall study what is called international organization and procedure. That is, we shall study the institutions or organs of government (conferences, courts, bureaus) which have been created to regulate the relations among the nations, and the methods of action of these bodies. It will appear at once that many of

those bodies have their origins in the demands of traders and travelers and that many of them are busy day and night with the needs of international services of communication and transport. We shall find that the private world activities, which go on developing so fast that official international organization cannot keep pace, thus constitute the main cause and foundation of the latter.

We shall also find that the persons engaged in cosmopolitan activities are often impatient at this laggard attitude on the part of the national governments. Thus those engaged in modern world-wide activities offer a challenge to the present nationalistic world organization which says: Either you must create adequate facilities for the supervision of world business as it is carried on in this day and generation or you may expect to see us go ahead, ourselves, and disregard the nationalistic point of view. And if we press further we shall discover that when the nationalist governments do try to satisfy private business by international organization the only result is to intensify the cosmopolitan effect itself. In short, we shall find that, whether we like it or not, there is at work in the world a force or set of forces, some mechanical and quite out of the reach of the human will to help or hinder and some born of a new spirit of a more generous life in the hearts of men, which bid fair to revolutionize the nationalistic state-system in the next generation. The result will be at least a well-developed international organization. It may be something more.

DEFINITIONS

International intercourse: activities carried on among the people of various nations in the form of trade, travel, postal, and telegraphic communication and artistic and scientific activities.

Cosmopolitanism: the mental attitude of regarding the world and the activities of human beings without reference to differences in nationality

Private international association: an association of individuals living in different countries which has no official status

Patriotism: love of one's own country.

Nationalism: the belief that the nation, particularly one's own nation, is the final stage in human association and helpfulness.

STUDY HELPS

A. PROJECTS

1. Make a graph showing the increase of the foreign trade of the United States by decades since 1880.
2. Make a list of common articles that come from abroad with the countries from which they come
3. Make a graph showing the numbers of immigrants coming to the United States annually for the last twenty years
4. Find out how many travelers went from the United States to Europe in 1925.

B. QUESTIONS FOR DISCUSSION

1. Discuss the effect of inventions on international intercourse.
2. How long did it take a letter to travel from New York to London in 1800? How long in 1925?
3. What is meant by the Industrial Revolution?
4. Why is cosmopolitanism said to be a natural product of modern conditions?
5. What common things do we enjoy now that were unheard of or very uncommon fifty years ago?
6. How do activities which produce cosmopolitanism also tend to produce rivalries and conflicts?
7. Where have the Olympic games been held since 1900?

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CHAPTER IV

INTERNATIONAL POLITICS

What factors determine the attitude of any nation toward other nations?

What are the foreign policies of the European nations?

What are the principal foreign policies of the United States?

What conflicts arise out of these policies?

Nature and foundations of international politics. — The presence of a number of nations side by side on the surface of the earth gives rise to a second type of relations or activities among them which are closely connected with the international activities described in the preceding chapter. To this second type of activity we give the name international politics. By this term we refer to the basic interests and the resulting policies of the various nations one toward another and to the competition or coöperation which results from differences between or similarities in those interests and policies. We have seen that the world activities which we have already discussed were largely personal in character. They engage the attention of individuals or groups within various nations. The activities involved in international politics concern the nation as a whole. Thus we are led to consider what the interests and policies of nations are and how these lead to official relations. In many ways this is the most fascinating branch of the study of world relations.

The materials of international politics are, of course, the nations of the world and their interests and foreign policies.

The foreign policy of a nation is its program of action in its relations with other countries. For example, insistence on the free use of international rivers is one item in the foreign policy of the United States. But the foreign policy of a nation does not descend ready-made out of the clouds nor is it built up alone by the thought of individual national leaders or party platforms. It is the product of the geographical, economic, and social facts of importance in the life of the nation and of the interests which emerge from the existence of those facts. The United States demands the free use of international rivers because we have many ships which must use such rivers to be most profitable in their commercial activities.

We cannot here review the facts already stated regarding the geography and the economic and social life of all the nations. In the different facts concerning the nations which were reviewed in the first chapter of this book will be found the sources of the interests and policies of the nations. We shall devote this chapter to a review of the policies of several important nations and a statement of some of the major problems of international politics in certain of the more important geographical regions of the world.

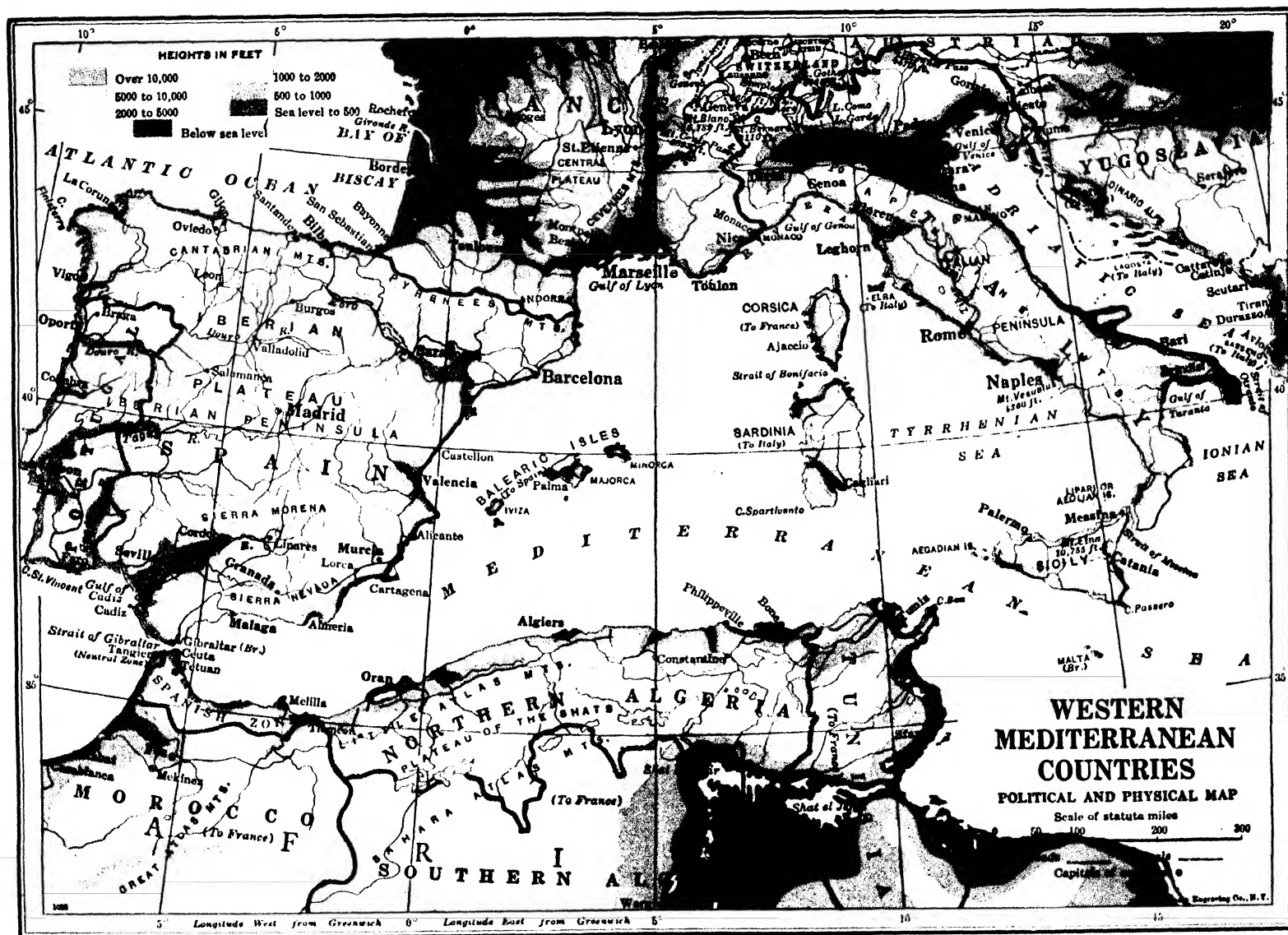
Foreign policies of the nations of the world. *Great Britain.*

— Great Britain has always played one of the most prominent parts in the game of international politics. Being at once a maritime, a manufacturing, and a trading nation, and being located next door to continental Europe, she has for these reasons always maintained a certain group of policies in her relations with other nations. She has striven to maintain a naval ascendancy over all other powers. She wants her navy to defend the British Isles from invasion, her colonies from conquest by other powers, and her trade from interference, and

she counts on using it also as a weapon of offense in war with any power. She has, on the other hand, favored freedom of trade at home and abroad, open doors in colonial markets and freedom of navigation at sea. She has held that there should be a balance of power among the nations of Europe in order to prevent a Napoleon or a Hohenzollern from dominating the continent by military force and threatening her own safety from the shores of Belgium or the Netherlands. Her own imperial expansion, on the other hand, great as it has been, has resulted not so much from deliberate policy as of the turn of events from time to time and the efforts which Great Britain has always been ready to exert when favorable opportunities to expand her possessions arose.

France. — French policies are not so easily indicated. France is a continental rather than a maritime country, situated in a peculiar position next to Germany and “the low countries” (Belgium and the Netherlands), and is a nation of mature diplomatic and financial resources. She has always maintained a powerful army for defense of her Eastern and Northern frontiers. She has sought to control, by physical force or by diplomacy, the left bank of the Rhine and Belgium for the same purpose. She has sought to build up alliances with Poland and Russia and Austria in Central and Eastern Europe to hold Germany in check. She has sought to use her financial power by loaning money to Poland and other nations to reënforce her diplomatic activity in this direction. And she has sought to obtain and hold an extended colonial empire to be exploited for her own profit economically and to provide troops for possible use in Europe itself.

Italy. — Italy is placed in a position even more difficult than that of France. She attained national unity only in recent times (1870), and is a heavily populated country very



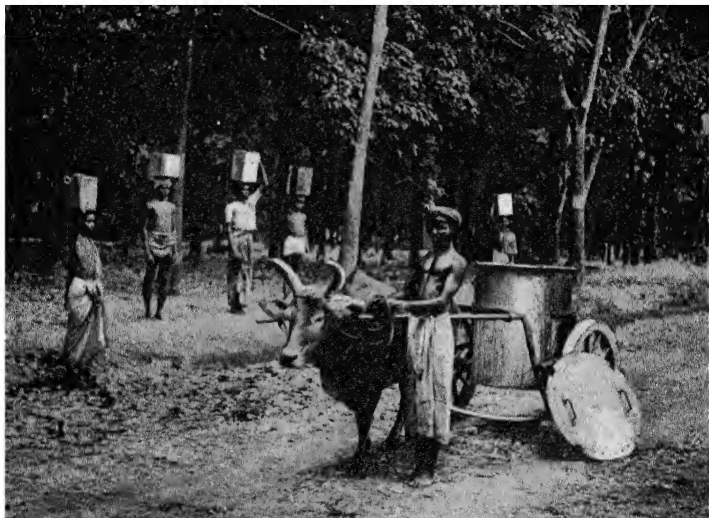
THE WESTERN MEDITERRANEAN

We see here British Gibraltar, Spanish Morocco, French and Italian Colonies in Northern Africa, British Malta, Italy, France, and Spain. The British sea route, via Suez, to India crosses the French sea route from Marseilles to Algiers. Tangier is an internationalized city. Yugoslavia, Albania, and Greece are near to Italy on the East.

poor in natural resources. Her aims have been chiefly those of perfecting her national unity by acquiring from Austria certain unredeemed provinces in the Northeast (Venetia and Trieste), and securing strategic frontiers to protect her from Austria and possibly from France on the Northwest. She has also aimed to make her Adriatic shore safe by developing her own naval power, by acquiring naval bases from Venice to Brindisi, and by preventing the nation in possession of the Eastern shore (Dalmatia), now Jugoslavia, from threatening her across the Adriatic. In addition she has sought colonial empire in Northern Africa (Tripoli) and Asia Minor and has sought relief for her industrial population by international arrangements which would make their emigration to other countries easy and safe and which would assure her the supplies of coal, iron, cotton, and food which she must obtain from abroad.

Germany. — Germany before the World War stood in a position somewhat similar to that of France. She was an even more highly industrialized country, a more active trading nation, but a newcomer, like Italy, in international politics. She had been compelled to fear French invasions for centuries prior to the achievement of her own unity and power in 1871, and Russian attacks likewise. She strove to intensify her national unity and build up her military and naval power for defense against continental invasion or British attack on her newly developed trade and colonial possessions. But she also succumbed, as had Britain and France at other times, to the temptation to use her armaments for offensive imperial conquest. Germany sought in Austria a friend to help her against France and her Russian ally. Before France added Great Britain to her combination, Germany had added Italy to hers.

Belgium, Luxemburg, Switzerland. — The policies of nations like Belgium are fixed by their unfortunate geographical situation. Belgium (and Luxemburg is in the same position) must resist coming under the domination of France, Britain, or Germany, all of which have at one time or another sought



RUBBER FARM IN DUTCH EAST INDIES

It is this sort of thing — the production of raw materials not available at home — that makes tropical colonies valuable to European and American colonial powers. The regulation of the exploitation of such resources, and of labor conditions in the colony, raise grave international issues.

to control her. If she should fall under the control of one of these nations, she would then probably be the victim of a counter attack by one or both of the others. Perhaps it is not too much to say that Belgium can have but one policy — that of neutrality and independence. The position of Switzerland is similar to that of Belgium in this respect.

Norway, Sweden, Denmark, The Netherlands. — The Scandinavian nations, Denmark, and the Netherlands, are in a somewhat better position. The Netherlands at least do not feel the pressure of the Franco-German tension, although their position in relation to Germany and Great Britain is identical with that of Belgium. In addition, the Netherlands succeed in maintaining their historic activities of commerce and colonial exploitation in the East Indies to an extent quite remarkable for such a small power. The Scandinavian nations are still freer from the mid-continent entanglement, still more independent of European high politics, still simpler in their views and policies. They maintain a defensive attitude toward Great Britain, Germany, and Russia, they habitually support and defend their neutral rights in time of war, and at times they incline toward a rather impractical idea of making the Baltic a sea closed to military and perhaps even commercial navigation by outside nations. Otherwise there are few important items to be specified in the international programs of Norway, Sweden, and Denmark.

Russia. — Russia makes contact with Asia. She had, prior to 1917, always been a country exporting foodstuffs and raw materials, importing manufactured goods and borrowing money for industrial development. Hence she has needed warm water harbors for trading purposes. And these she has sought not merely on the Baltic and Black Seas, and not merely beyond the Black Sea at Constantinople itself, long a goal of Russian expansion, but at Vladivostok in Eastern Siberia, where she frankly adopted a policy of Asiatic empire. In Europe she has led a more or less open and vigorous Pan-Slav movement seeking to unify and strengthen the political activities of the Slavic nations such as Serbia and Bulgaria, and she has in that rôle fought the Pan-German movement of Berlin.

Japan. — The Russian Asiatic ventures touched Japan very closely. The latter country has sought in the past seventy-five years to attain modern nationhood and play a full part in international politics. She has been compelled suddenly to develop her industries and trade to enormous proportions to support her crowded population. She has desired territories on the mainland of Asia to which her people might migrate and yet remain Japanese. She has desired opportunities for them to enter and settle in all the lands bordering the Pacific, including the United States, although she regrets to see her people lost to her in this way. Her principal interest in this matter is to prevent exclusion being based upon grounds of nationality and to prevent discrimination against her people in the countries where they have settled, especially on this ground. She has sought military and naval power to support her program of territorial expansion and racial equality, and to give her a position of leadership or domination to the Far East similar to that of the United States, under the Monroe Doctrine, in this hemisphere.

China. — China, on the other hand, can do little to resist Russian encroachments on the North, Japanese threats from the East, or the inroads of the British, French, and other European powers on the South. Her principal objectives for some time to come must be to attain greater national unity, governmental efficiency, and national military and naval power, with this end in view. Meanwhile she will do what she can to wipe out the commercial monopolies, special legal privileges, opium traffic, and other curses which European powers have fastened on her in her weakness.

Australia and New Zealand. — Southern Asia and Africa contain no nations, with the possible exception of Turkey, sufficiently independent or powerful to possess an independent

foreign policy. In far-off Australia and New Zealand, however, we can detect the appearance of certain principles of national foreign policy even while those nations are yet in their infancy. To carry on their relations with other nations independently of Great Britain, to prevent Chinese or Japanese immigration or attack, and perhaps to coöperate with Canada and the United States in these matters seem to constitute their principal aims. To secure British approval and even support in these matters may seem illogical when we consider the first aim, but it is quite natural in connection with the others.

United States. — The foreign policy of the United States is easier to analyze in clear terms than that of any other nation. The aims of the United States are definite and well established. Moreover, the principles underlying our actions are somewhat more fundamental and more conducive to general international welfare than most of the principles followed by other nations. The truth of this statement is proved by the way in which our principles have been taken up and accepted by other nations as part of general international law. We should not assume, however, that our actions have been the result of any specially idealistic or unselfish attitude on our part. Many facts have made it advantageous to us as a nation to follow those policies which, on the whole, are for the best interests of the world at large as well as for ourselves.

The United States is situated three thousand miles from Europe, in the same hemisphere with the Latin American nations, and faces Asia across the Pacific. We have three extended coast lines, on the Atlantic, the Pacific, and the Gulf of Mexico. We began as a new country politically, an inexperienced republic, the product of colonial revolution. We have for most of our history been a new country economically,

with immense reserves of raw materials, and until recently we have badly needed capital for the industrial development of those resources. We have always engaged in foreign trade more or less actively, and recently more than ever as our exports have increased. We have, until very recent times, needed many immigrants to settle our lands and operate our industries. We have until very lately been chiefly occupied with the task of acquiring and settling our vast continental domain, and have not gone afield for territorial possessions.

The result has been a unique body of principles of foreign policy. We have stood for the recognition of new governments created by the popular will just as soon as they are clearly established and ready and able to assume their obligations under international law. We have insisted on the right of the individual to cast off allegiance to one nation and be naturalized in a new country with the consent of the latter. We have demanded the right to a free use of the seas of the world in peace and war as against claims to maritime dominion and excessive belligerent rights by great naval powers; in later days we have demanded an open door in colonial territories for trading purposes. We have urged the simplification of diplomatic methods regarding costume and ceremonial and procedure so that the more experienced military monarchies would not have all the tactical advantages over us in diplomacy. For similar reasons we have urged the development of international law and the application of law in the regulation of international affairs in place of diplomatic intrigue. Likewise we have urged that arbitration and finally judicial settlement provides the best method of attaining this end. We have urged on the nations the blessings of peace and decried large standing armies. Until very recent years we have

denounced overseas imperialism, refused to create a great navy, and while we have acquired enormous territories on the continent of North America we have done so by purchase or voluntary agreement of one sort or another in all but one exceptional case. Finally, after acquiring new territories we have not held them permanently in a dependent position but have received them into the Union on a par with the older States.

There is, however, an impression widely held in many quarters that the main items in the foreign policy of the United States have been negative and even sharply nationalistic or anti-international in character. This seems to be inaccurate. The policies just reviewed are all of them conducive to the improvement of international relations generally. And when we turn to the three most fundamental principles of our foreign policy, namely, the Monroe Doctrine, no alliances, and neutrality, the same thing is true. The Monroe Doctrine seeks to protect us by protecting the Latin American nations against interference and conquest by European powers. Far from constituting an act of withdrawal from world politics it amounted to an intervention in the international scene by the United States in support of certain principles of international relations equaled only by our action of entering the World War in April, 1917. We refused to enter into alliances with any European powers, as Washington expressly declared to Congress in 1793, and have sought to keep free from special entanglements, chiefly so that we may remain equally cordial with all nations. We have been neutral in European wars in which no interest of ours was at stake in order to remain friends with both sides and to serve if possible as peace-maker when the time seemed ripe, as is shown by every neutrality proclamation we have issued. We have urged on the disputing

nations international conferences in place of the resort to arms whenever that seemed at all feasible. To think of American foreign policy in these matters as a wholly negative policy of "safety first" is to grossly caricature the wise and lofty principles of Washington, Jefferson, and Monroe.

Thus we have developed a set of foreign policies in harmony with our geographical position, our political history, and our economic interests. On the whole it can be said that these policies have favored the development of democratic government and of agencies to bring about justice among the nations of the world.

Latin America. — The foreign policies of the various Latin American States might be studied in detail with no very profitable results. Mexico and Cuba naturally seek chiefly to avoid exercise of undue influence in their territories by the United States, as do other Caribbean and Central American nations. Argentina and Brazil seek to check one another from undue influence in the Plata River regions. But these policies are not of sufficient significance to deserve extended treatment. None of the Latin American nations, perhaps, not even Argentina, Brazil, or Chile, have developed national foreign policies sufficiently distinctive or significant to play much part in international politics.

Regional problems and conflicts of policy. — A survey of the regional problems and conflicts of policy in the Caribbean area and Latin America generally will throw much light on international politics in the western hemisphere. From this we may proceed to notice the principal issues of international politics in other critical areas of the world of nations.

The Caribbean. — In the Caribbean area the great issue is the extent to which the United States will press for influence and control of Cuba, the Dominican Republic, Haiti, and the

Central American nations. Our temptation toward interference in Mexico is related thereto. All of this activity is based partly on a desire to defend the Eastern approaches to the Panama Canal but is explainable also by a desire to protect American lives and property by reducing revolutionary disturbances to a minimum, and, by the same step, to obviate the necessity for European intervention and thus carry out the Monroe Doctrine.

South America. — In South America as a whole this question of the action and policy of the United States is not as acute, although it arises from time to time for the same reasons and also because of our friendship for certain nations in their relations with other nations. In addition there are the rivalries between Chile and Peru and Chile and Bolivia over the Antofagasta-Arica-Tacna region, between Argentina and Brazil, as already indicated, and a score of boundary disputes. There are certain to arise in this region a varying number of diplomatic disputes of all varieties from time to time, but in the main the Latin American field is free of fundamental or really dangerous questions of international politics.

Africa. — The same condition is coming to exist in Africa. Twenty years ago Africa was the scene of bitter rivalries between Great Britain and France, France and Italy, Great Britain and Germany, and so on. By 1914 the situation had been stabilized to a considerable extent by diplomatic adjustments of one type or another. In the last five years the Egyptian and Moroccan questions have become active again, the position of Great Britain in Egypt and the position of all the powers, but particularly of France and Spain, in Morocco are coming under discussion again. But if the European powers can make satisfactory adjustments among themselves in these matters the few independent nations of Africa and the

many dependencies are likely to give less trouble than even the Latin American nations.

The Eastern Mediterranean. — The Levant and the Near East are much more active regions. Italian-Greek and Italian-French interests clash in the Dodecanese and in Asia Minor. French and British interests clash in Syria and Palestine. Turkish activities at Constantinople and Angora disturb the peace of mind of the government at Athens and the British at their oil wells west of Bagdad. They send tremors Eastward through Southern Asia where Russian advances from the North help to fan imaginations in Persia and Afghanistan and India into seeing an end of British rule over the whole Mohammedan world.

Southern Asia. — North of India loom the rivalries and conflicts of interest in China already alluded to. At Singapore, in the Philippines, in the islands of the Pacific as far East as Hawaii smolder the suspicions of conflicts between Great Britain and Japan, and between Japan and the United States. To the North Russia holds on in spite of losses at the hands of Japan, and serves notice that in any ultimate settlement of Pacific and Far Eastern questions her voice must be heard.

Europe. — When all these areas are surveyed, however, it will be obvious that the real problems of international politics arise in Europe. It is from the conflicting claims of European powers that most of the questions arise which relate to African or Asiatic territory. And it is at Gibraltar or on the Rhine or in the Danube valley that the great problems of international politics are generated to go forth to trouble the peace of the world.

In the Western Mediterranean, France seeks to build a bridge of boats to her North African empire, in spite of Italian unwill-

ingness to be confined to the central area where Great Britain lies entrenched at Malta, and in spite of lingering Spanish aspirations and British supremacy at Gibraltar, neither of which are very consistent with each other. Along the Channel Great Britain and France still remain potential enemies and both regard Belgium as their safety region and possible fighting ground. In spite of recent adjustments Germany and France still grapple along the Rhine — the most persistent and all-pervading problem in international politics for the past eleven hundred years. Germany and Poland, Poland and Russia, Germany and Russia all seek advantage over, or assistance from, one another and often both at once. In the Danube Valley the nations which have emerged from the wreck of Austria-Hungary seek to protect themselves against more powerful neighbors to the North, East, and South, against one another, and at the same time to work out sound living arrangements relating to trade and intercourse one with another. In the Balkans, Serbia and Bulgaria and Greece still wrangle over Macedonia.

Such a survey will suggest several conclusions. In the first place, the points at issue in all parts of the world are obviously economic riches, national feelings, and military or naval advantage in frontiers or naval bases. The whole field of international politics might, indeed, be viewed primarily in terms of such topics, taking into account various national policies in relation to these matters and special regional aspects of these problems, merely as subordinate phases of the problems themselves. In the second place it is evident to any observer that rivalry and conflict are more common in international politics than friendship and coöperation. Placing these two inferences together means that in the simplest course of events the nations would quarrel and fight incessantly over

oil or trade routes or strategic frontiers or immigration or national liberty. The third inference might be that something should be done to remedy this situation and, indeed, that something must have been done in this direction already, for otherwise we should see a great deal more of international conflict and war than we do now. The inference is correct, and in the succeeding chapters we shall see what practices and institutions have developed for regulating the questions of common interest which arise among the nations regarding their intercourse with one another or their national foreign policies.

DEFINITIONS

National foreign policy: the purposes which a nation seeks in its relations with other nations and the program of action followed with these purposes in view.

International politics: relations among the foreign policies of different nations where these policies come in conflict or coincide one with another.

STUDY HELPS

A. PROJECTS FOR INVESTIGATION

1. On a world map show the difference in density of population between Japan, Italy, France, Great Britain, United States.
2. On a map color the areas controlled by Italy in and around the Mediterranean.
3. Do the same for the areas controlled by France.
4. Mark the potential "trouble spots" of the world on a map and explain why these areas may cause trouble.
5. Look up Washington's Farewell Address and discuss the advice given about international relations.

B. QUESTIONS FOR DISCUSSION

1. What rules of foreign policy has the United States followed consistently?

2. Select one nation of the world and show how its geographic position has affected its foreign policy
3. What is meant by the Monroe Doctrine? When and under what circumstances was it promulgated?
4. Why is the United States tempted to interfere in Mexico?
5. How did the U. S. acquire the Philippines? Has this acquisition affected our policies to other nations?
6. What foreign policy of Russia led to the Russian-Japanese War?
7. Why has the United States held for the "open door" in China?
8. What led Germany to build up such a large army and navy?

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CHAPTER V

INTERNATIONAL LAW

What is international law?

When did it appear and how has it grown?

Of what subjects does international law treat?

Where can one find the rules of international law?

How is international law enforced?

What international law is. — When people associate together in any form of group activity they quickly find it necessary to adopt a certain number of rules to govern their actions one toward another. Every Club has its Constitution and By-Laws. Those who play baseball, tennis, or other games must follow certain rules. We are familiar with the fact that each nation makes laws to control the actions of the people living in that nation. It follows naturally, therefore, that when the different nations of the world develop economic and political relations one with another, they find it necessary to adopt and to follow definite rules or laws governing those relations. Consequently the first and simplest development among the nations in the direction of world government was the appearance of such rules of law. When two nations first settled a dispute — say a question concerning a boundary line — in a certain way, it led to the natural expectation that, under like circumstances, the same sort of dispute would be settled in the same way even by other nations. The terms of settlement tended to become a rule of law. At first no provision was made for the enforcement of such rules, nor for

their revision to meet the changing needs of the nations. Thus from very simple beginnings grew that body of rules and principles which we now know as international law. In this chapter we shall learn how the law developed among the nations, the subjects with which it deals, and the way in which it is enforced.

Origin and development of international law; historical sources. — Modern international law made its appearance in the world about three hundred years ago. In the latter part of the sixteenth and in the early years of the seventeenth century various scholars laid the foundations of the law of nations as we have it today, and their efforts culminated in a great work, *The Law of War and Peace*, which was published in 1625 by the Dutch jurist Hugo Grotius, who is now often called the “father of (modern) international law.”



HUGO GROTIIUS (1583-1645)

International practice of antiquity. — The founders of international law could draw to some extent on the practices of Greek and Roman States for examples of international settlements. These ancient states had worked out certain simple rules relating to the location of international boundaries, the treatment of diplomatic agents, the negotiation and application of treaties, and war, which could be regarded as an elementary form of international law.

Roman law. — In the second place the founders of international law could turn to the Roman law for help. That law dealt mainly with the rights of private individuals in the Roman Empire. But its rules could be used, even though with some difficulty, whereby to construct rules covering the relations of independent states one toward another. Grotius drew heavily upon the principles of Roman law in this manner.

Law of nature. — Finally the writers of Grotius' age, sometimes called the "philosophical school," could and did draw heavily on what they called "the law of nature." By this they meant a body of theory based on their ideas of the right actions of men and of nations one towards another. They felt that they could tell by reflection how men and nations ought to act in all their social relations. Thus they supplemented the few items of actual practice drawn from the Greek and Roman states by their theories of ethics and morality.

Modern international practice; the "positivists." — But these writers went too far in their abstract theorizing, with the result that there were often great differences between their opinions of how nations ought to act and the actual behavior of the nations. The result was the appearance of another group of writers on international law called "positivists." These men turned to the actual practice of nations for their materials. By this time (later seventeenth and early eighteenth centuries) there had accumulated a considerable body of modern international practice. This could be used to formulate a few general rules just as the earlier writers had used ancient practices in their day.

Modern legal systems. — In the second place, the "positivists" could secure some help from the legal systems of modern times just as earlier writers had turned to the older Roman law. For example, the laws of the small feudal states of

Europe had had much to say about diplomacy, treaties, war, and other matters of international concern. Likewise the seafaring states of the Mediterranean and of Northern Europe followed certain laws of the sea or admiralty law as it was called. Many digests or codes of this law had been made in the later Middle Ages. There was also a growing body of commercial law relating to the rights of merchants on both land and sea. English law and the revised Roman law, now called Civil Law, to both of which we have already referred, similarly helped to supplement actual international practice. Thus there was now a great variety of sources to which writers could turn to construct rules for the conduct of nations in their relations one with another.

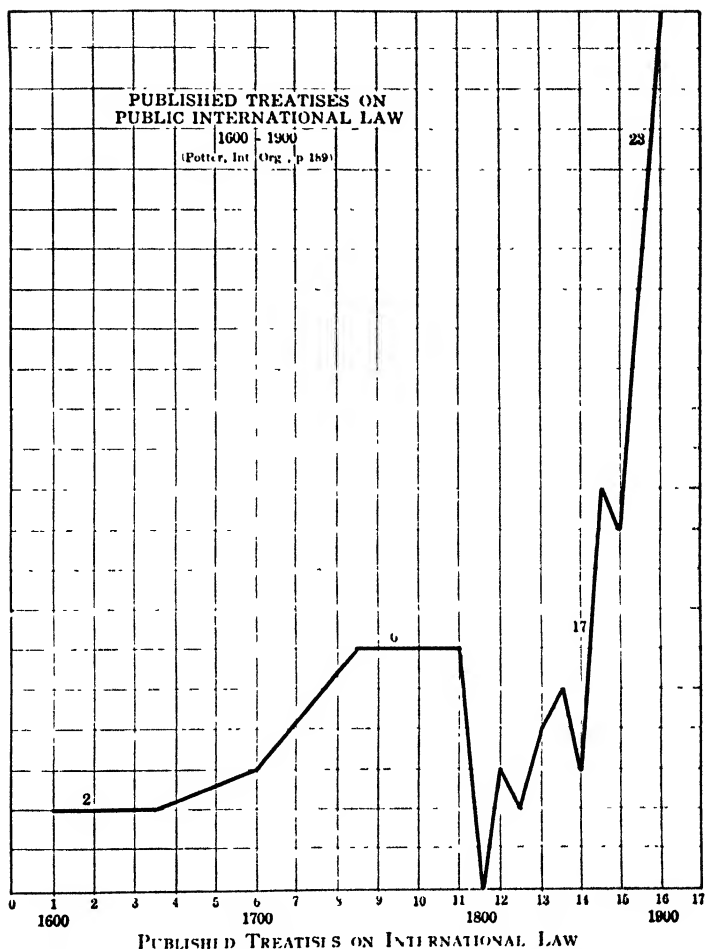
Treaties. — Finally the practice of treaty-making, which we shall have to study later as a form of international government or procedure, had reached considerable proportions. Treaties could, therefore, be used to discover the actual practice of states one toward another. They revealed also the expressly declared views of the states concerning their mutual rights and duties in the society of nations.

Treaties must be used with great care in discovering the rules of international law. A treaty is primarily only an agreement or contract between the states who make the treaty, and has no binding force as general law for other states. Indeed, it is often used deliberately to create rights which would not be granted by general international law, such as a right to fish in waters owned exclusively by another nation. In that case the treaty clearly cannot be regarded as general law. On the other hand, if many treaties are made granting a certain right, such as a right for aliens to own land, it may be concluded that this right is one which states are now generally willing to recognize. Thus new law is built up which is often

contrary to previously accepted rules. Finally, a treaty may specifically declare certain rules to be part of international law, as did the Declaration of Paris, signed by a number of nations gathered in conference in that city in 1856. Such a treaty, especially if signed by a number of leading nations, or "great powers," will make law much as a bill passed by a legislature makes law in any one nation.

Such are the materials out of which international law is constructed. International practice and international treaties are by far the most important of these materials. By studying these practices and treaties and by interpreting specific agreements and actions into general principles, modern scholars have worked out a fairly complete set of principles and rules governing the rights and duties of the nations in their dealings one with another.

The United States and international law. -- It is interesting to notice the contributions of the United States to this development of international law. That law was fairly well developed when the United States came into being, and it was recognized under the name "the law of nations" in our present Constitution when that document was put into effect in 1789. Similarly in subsequent years the United States by its actions toward other nations and its foreign policies as reviewed in the preceding chapter has contributed much toward the growth of the law. The rules of international law relating to the recognition of new states, citizenship, territorial waters, the rights of vessels at sea, and neutrality, have felt the influence of the United States to a peculiar degree. In addition we have done much to promote the study of the law — more scholars have busied themselves with its problems in the United States than in any other nation in the world — and to promote its actual use by the nations in their official relations.



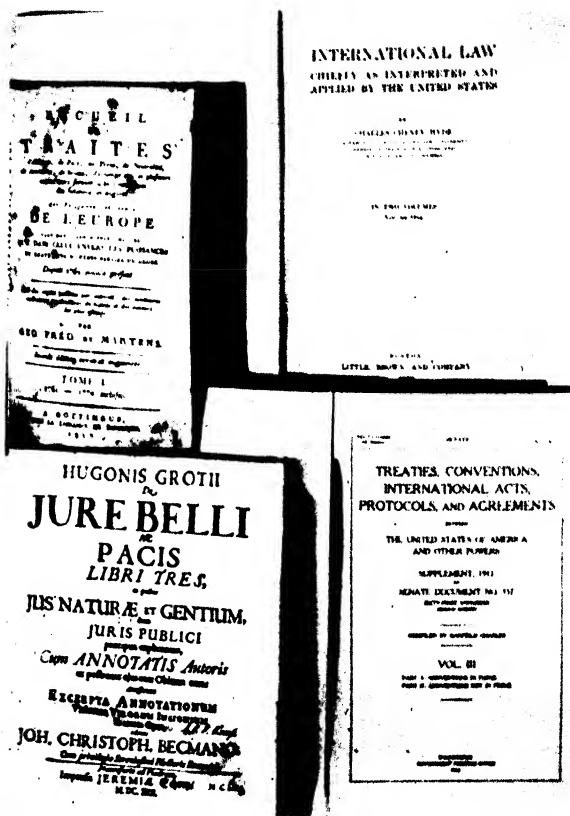
Books in international law were few prior to 1800 A.D. A considerable growth took place between 1800 and 1860 but the great expansion in the literature of the subject came after that date. The period immediately following a war yields many thoughtful works on international relations. (Many special books, reeditions, and translations were omitted in the making of this graph.)

Documentary sources of international law; codification. —

A question of practical importance for the student of contemporary international law is that of the documentary sources or printed materials from which one may gain a knowledge of the rules of the law as they stand today. The student today does not need to turn back to Roman law or Medieval law of any sort, nor does he need to review Ancient or Medieval international practice. He may, on the other hand, profitably study modern diplomatic history, records of modern international settlements in diplomatic documents, and the records of decisions by courts, both national and international, where questions of international law have been decided. Naturally he must study the texts of international treaties in as large numbers as possible. But his greatest source of information will be the treatises and textbooks of private scholars who have studied these matters themselves and have then written on the subject. Finally he will welcome such few official digests or codes of the law as he can find, such as the Hague Conventions of 1899 and 1907, soon to be described.

This raises the question of the codification of international law, a question very much in the foreground at the present time. By the term codification we mean the collection and restatement in a systematic manner of the large number of rules of law already in existence, without adding to or changing these rules in the least. The value of classification and codification is mainly mechanical, for the law is not improved in quality by this process. It is, however, a great advantage to have all the accepted rules at hand in one manual or digest instead of being compelled to hunt for them in hundreds of treaties and other diplomatic documents and judicial decisions.

The work of codification of law is always begun by private scholars. So it has been in international law, from the time



TREATIES AND TREATISES, OLD AND NEW

We see here the title pages of an old collection of treaties (upper left); of Grotius' celebrated masterpiece (lower left); of a collection of treaties of the United States (lower right), and of a new American work (upper right). Both Grotius and Hyde wrote in post-war years. English is tending to supersede French, as French superseded Latin, as the language of international law and diplomacy.

of Grotius onward. The treatises of private writers already mentioned should be regarded as codes of the rules of law

which were to be found in their primary form in other sources. Today we have many treatises by American, British, French, German, Italian, and other writers which do for the student what he might naturally be expected to do for himself; that is, to hunt out the rules of law and weave them together in a systematic whole for the use of diplomats and statesmen as well as for the use of students. These private codes, of which the best are unquestionably the American, are as a matter of fact used in law schools and colleges for instruction purposes and they are also used by national governments in the actual conduct of official business.

Official international action for the codification of international law has been slow. The first action of this type, beyond the brief Declaration of Paris of 1856, was taken at Geneva in 1864 when a code of the rules concerning the treatment of the wounded in time of war was adopted, somewhat in imitation of an American code of military law issued in 1861. Similar partial codes were adopted in increasing numbers in the succeeding years until the Hague Conferences of 1899 and 1907 saw the adoption of fifteen or twenty such conventions, dealing chiefly with the law of war. The years since 1907 have witnessed a continuation of this process, interrupted somewhat by the World War.

Today the problem of codification is viewed on an enlarged scale. It is felt to be desirable to codify the laws of peace as the laws of war were codified in times past. It is felt to be desirable to unify the partial codes adopted on various subjects in the past and produce a single great digest of the law of nations for use particularly in the conduct of official relations among the nations. The scientific and mechanical difficulties in the way are great. The work, however, which has now been seriously undertaken by the League of Nations, with the co-

operation of such bodies of private scholars as the American Society of International Law and the British International Law Association, promises to go forward to ultimate success in time. We shall see later how this may affect other forms of international government in their turn.

Content of international law. — International law has commonly been divided into three parts, the law of peace, the law of war, and the law of neutrality, dealing respectively with the rights and duties of a nation when at peace, when at war with another nation, and when occupying the position of a neutral while other nations are at war. A nation may, of course, be at peace with one nation and at war with another, and thus live under the law of peace toward the first and under the law of war toward the second. Likewise a nation may be at peace with other nations which are at peace and neutral toward other nations which are at war, thus living under the law of peace and the law of neutrality at the same time. Finally it may be said roughly that the law of peace defines the nature of states and their principal rights one toward another, while the law of war and neutrality defines their subordinate rights in the conduct of military action against other states in the effort to exact satisfaction for their principal rights. All of this will appear more clearly if we notice in some detail just what is included in each branch of the law.

Law of peace. — Under the law of peace a nation has a right to maintain the existence which it possesses at the time when it is recognized as an independent nation, to hold its people and the territory which it possesses at that time, and to defend itself against destruction. It has the right to acquire additional territory by any one of the five or six recognized methods which we have already described, including gift, purchase, and exchange. It has the right to exclude aliens from its territory,

to retain its own citizens therein, or to permit them to leave it at will and to admit aliens and receive them into citizenship at its discretion. It may create and alter its own government and regulate the activities of all persons within its jurisdiction. It may enter into diplomatic relations with other nations and conclude treaty agreements with them. It is entitled to claim equality of treatment with other nations in the matter of legal rights although it may be very unequal in comparison with other nations in point of size and political influence. Similarly it has the right to be independent and free from interference by other nations in matters left by international law to its own exclusive control. Needless to say, the law contains many detailed rules on all of these matters for which the student must turn to the books on international law itself. Under the heading of the law of peace also, but just preceding the law of war, and properly in a midway position between the two, lie certain rules regarding the actions which may be taken against other nations to enforce the principal rights just described. These actions include diplomatic protest, reprisals, and finally war itself; for a fuller description of these rights we may wait a few moments until we note the content of the law of war and neutrality.

Law of war and neutrality. — The law of war defines the way in which war may be begun, the way in which it may be carried on upon land or sea, and the rights and duties of a nation at war toward the property and the people of the enemy nation. These rules of the law of war form the oldest branch of the law of nations, for it was in war that the nations first came in close contact in older days. They are, moreover, the most detailed of the rules of international law and they are observed fully as well as other rules of law, contrary to the common impression. They cover such matters as attack and bom-

bardment, the use of stratagems, spies, and different types of weapons, the taking of prisoners, the capture of property, the establishment and operation of blockades, and many other matters, including the termination of war.

The law of neutrality overlaps to some extent the field covered by the law of war but it deals with that field from the point of view of the neutral nation. It lays down the right of a third nation to remain neutral in time of war between two other nations, and its rights to freedom from interference by the belligerents, with respect to its territory, its people, and their property. At the same time it specifies the duty of the neutral nation not to participate in the war by helping either belligerent in any way. It describes the way in which the belligerents may restrict the commercial activities of neutral citizens on the high seas by requiring them to respect a blockade of enemy ports and harbors and by confiscating goods contraband of war, -- that is, useful for warlike purposes, such as arms and ammunition, -- when captured while these goods are on the way to the enemy. Finally it specifies the treatment which may be applied to neutral persons who do perform unneutral services for enemy nations. All these matters are regulated in the most minute detail.

It must be admitted that at present there are still many important phases of international relations not covered by international law, just as there are important phases of the relations among individuals in any nation not regulated by national law. It would be somewhat the same thing, and at the same time more accurate, to say that there are phases of national activity which affect other nations which are still left exclusively to national control. This is due to the jealousy with which the nations guard their independence and resist the attempt to transfer these matters to the field of inter-

national regulation. Such is the subject of immigration today. Laws concerning immigration made by one nation often affect all of the rest of the world. But the nations still feel that this is a matter over which they should have entire control according to their own individual wishes in the matter. It should be noted, however, that the nations frequently regulate by treaty agreements the matters which they still will not permit to be regulated by general international law and that in this way the subject gradually creeps over into the international field. Tariff duties, citizenship, and the treatment of fugitives from justice found in other lands were formerly governed exclusively by national law, but are now regulated by treaty agreements and even by customary international law. Thus the field of international law expands as more and more subjects become of sufficient interest and importance to different nations to be taken out of the class of matters left entirely to individual national control.

Authority and enforcement of international law. — It is important further to understand clearly the authority or binding force of international law today. A law in a given nation is binding on the individual citizen because it is a command issued to him by his government. International law is no less binding upon the nations; in spite of breaches of the law by individual nations in time of stress no nation has ever denied the binding effect of the law as a whole, and it is recognized and obeyed just as consistently as law within the nation. This is not because it is a command to the nations from some superior authority, for there is no supernational government of this sort. It is the result of the fact that the nations, when recognized as members of the society of nations, have agreed to be bound by it. International consent, express or implied, is the source of the authority of international law.

That consent is given in many ways, especially in treaty agreements. Even when not given by a definite treaty, however, national consent is often given by the tacit acceptance of the law in practice, and is in itself alone the source of the authority of the law. Let us notice the way in which international law is enforced. Granted the existence of these rules of international law, how can obedience to them be exacted in the daily life of the nations?

Mutual convenience and reciprocity. -- In the first place spontaneous obedience may be expected in the great majority of cases merely for reasons of mutual convenience, fear of retaliation by other nations, loss of reciprocal benefits, and so on. Such spontaneous obedience is exacted by the forces of mutual convenience and public opinion in this way to an extent not realized by the person who notices only the cases of disagreement. We remember only the cases where trouble arises and we forget these silent forces which do not appear on the surface but which operate steadily and effectively in by far the great majority of the questions at issue among the nations.

National court action In the second place it ought to be remembered that the individual nations do much to enforce international law in their own courts. Much international law relates to private individuals whose rights and duties are defined by that law in so far as they are official or unofficial representatives of the nations. Thus the rules of citizenship are primarily rules of law among the nations but they apply ultimately to private individuals. And whenever questions of international law arise in private litigation before national courts the rules of that law are enforced by those courts. In the same way national legislative bodies and national executive officials, including military and naval officers, carry out international law by appropriate action in their

own spheres. Congress passes many laws in the United States and the President issues many orders with this object in view.

Diplomatic protest. -- When it is necessary to deal with other nations to secure obedience to the law the first step is a diplomatic protest concerning a right violated or a demand for satisfaction for a right ignored. This action is very common, very mild in tone -- although it may be made very forceful and decisive in terms --- and somewhat weak in appearance. As a matter of fact it is the method of enforcement most frequently used among the nations and the one which most commonly leads to satisfactory results in the long run. The United States has thus many times had occasion to protest against the action of another nation in exacting military service from one of its sons who has later been naturalized as a citizen of the United States, and has usually been able finally to make its protest heard.

Arbitration. -- When a nation finds that its grievance against another nation cannot be satisfied by a protest, it may then demand that the dispute be submitted to arbitration or international judicial action. Just what this means we shall see more fully later, but we should keep in mind that a demand for this kind of settlement can only be made if the two nations have agreed in a treaty to this kind of action. There is no general right or duty resting upon a nation to submit disputes to arbitration. On the other hand, where submission can be obtained under the terms of a treaty, the award, when rendered, is binding, and we obtain what is probably the best form of settlement and application of international law possible.

Reprisals. -- Where these methods fail the aggrieved nation may resort to physical means of enforcement. It may undertake reprisals against the offending nation. That is, it may seize property belonging to citizens of the offending

nation or imprison those citizens or detain their vessels or what not. Where the reprisals are identical in character with the acts in retaliation for which they are undertaken they are called acts of retorsion or reprisals in kind, as an embargo on ships in retaliation for an embargo on ships. Even where this is not true the reprisals must not exceed in severity the injuries sustained by the first nation — as well as that can be measured.

War. — This action may lead to war. The nation against which reprisals are taken may regard them as acts of war and so declare. The nation taking reprisals may later declare war of its own accord. In the absence of treaty agreements, such as the Covenant of the League of Nations and an increasing number of treaties now in force between the United States and other nations, the right to go to war to enforce demands against another nation is practically unlimited. This is the final form of national action in enforcing national rights.

Thus international law sprang from ancient and medieval materials and has developed in the past three centuries until it regulates most of the relations among the nations, being enforced by them in the ways just reviewed.

It is now proposed to provide common international enforcement for international law as national law is enforced by central national governments. This leads into the very heart of the problem of international organization with which we shall deal in the next five chapters, and to this we now turn.

DEFINITIONS

International law: the system of principles and rules which regulate the rights and duties of nations one toward another

Law of nature: the principles of ethics which define the nature of man and his proper relations to his fellow human beings.

Positivists: students of the law who base their conclusions upon actual practice rather than upon philosophical principles

Neutrality: the position of one nation when two other nations are at war one with another.

Codification: re-statement of existing law in systematic form

Reprisals: actions of physical violence by one nation against another nation or its citizens in retaliation for similar activities on its part.

STUDY HELPS

A QUESTIONS FOR DISCUSSION

1. What makes international law binding on the nations?
2. Why does not international law deal with the problem of immigration?
3. How is international law enforced?
4. Why is it necessary to have international law?
5. When can a treaty be used to discover rules of international law?
6. What are the principal rights defined under each part of international law?
7. What may a nation do if its grievance against another cannot be settled by a protest?
8. What contributions has the United States made to the development of international law?

B. PROJECTS FOR INVESTIGATION

1. Prepare a list of the different sources from which modern international law has come.
2. Look up the parts of the Constitution of the United States that show the recognition of international law
3. Look up the protest made by the United States to Germany after the sinking of the Lusitania. What promises did the United States ask?

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CHAPTER VI

DIPLOMACY AND TREATIES

What agents are maintained by the United States in the territories of other nations?

What are their chief duties?

How are treaties made and with what subjects do they deal?

How is a treaty enforced?

The origin and development of international law has just been described. If we now recall the account given of that development we will see that it took place without the assistance of any individual international officials. It progressed very far, indeed, without the aid of even any national officials dealing with international matters. As in the development of national law down to a relatively recent period, international law grew by custom and agreement rather than by the enactment of statutes. Until the stage of treaty negotiation was reached, or negotiations leading to the conclusion of treaties, international law as a system of abstract rules developed without calling into action any personal representatives of the nations.

Personal representatives of the nations abroad. — In actual fact the nations have from very early times found it desirable to appoint individuals to represent them in dealings with other nations. And it is from these early beginnings of individual personal representation that many of the more complicated international institutions have gradually evolved. In this chapter we shall make a study of simple consular and diplo-

matic representation, including the negotiation of treaties. From that we shall pass, by a continuous line of thought, to the most elaborate institution of international federation, which stands at the other end of the scale.

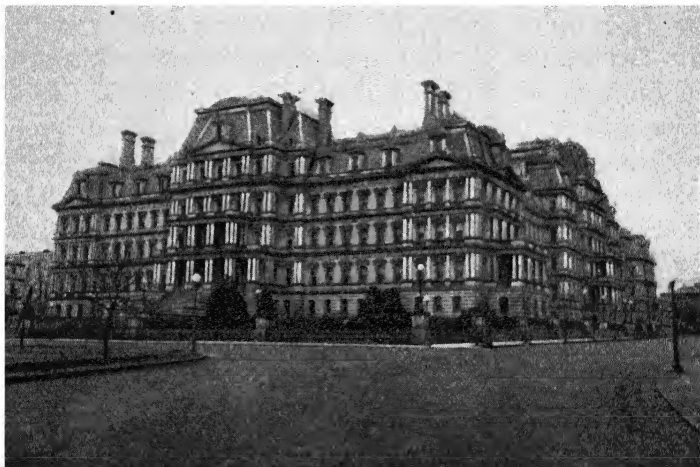
CONSULAR AND DIPLOMATIC REPRESENTATION

The consul. — The consul is the oldest and the simplest type of international official. He is a person appointed by one country to reside in the territory of another country and perform there certain services on behalf of his fellow-citizens and the government appointing him. The right to do this and the powers of the consul are regulated by general international law and so-called "consular conventions" which are treaties between two states dealing with consular powers and privileges.

Ranks. — Consuls are designated by various ranks or titles among which the most common are: Consul-General, Consul, Vice Consul, and Consular Agent. Consuls of different ranks occupy posts of different degrees of political and commercial importance. They also exercise different degrees of administrative control one over another. But all consuls, of whatever rank, possess substantially the same basic legal powers as officials of their home state.

Administrative organization — Every country of importance maintains several hundred consular representatives scattered all over the world in the important commercial cities of the other nations. These consuls are controlled by the Department of State or Department of Foreign Affairs in the home government, with some cooperation from departments of Commerce, or Labor, or even Agriculture. The Department of State in the United States, which was established in 1789 by Congressional statute, and has been expanded and reor-

ganized continually since that time by the same agency, recruits the persons who serve in our consular service abroad, sends them out to various posts, and instructs them as to their activities in the field. In the country to which he is sent each consul does his work in a particular consular district. All of these districts taken together would make up the territory of the foreign nation or nations where the consuls are located.



© Ewing Galloway

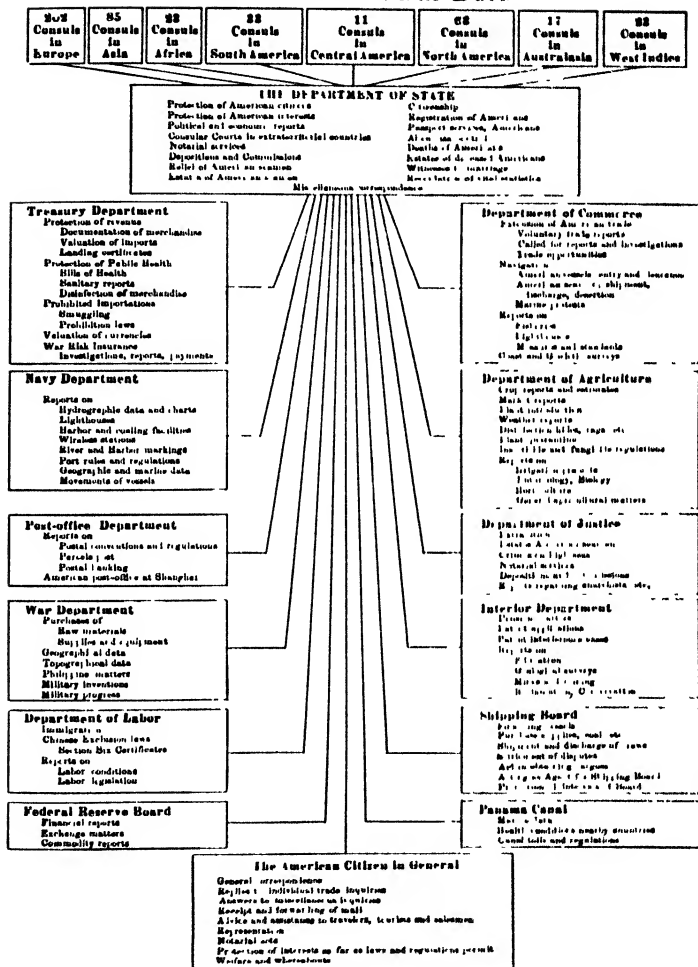
STATE, WAR, AND NAVY BUILDING, WASHINGTON

In this building are the offices of the United States Department of State.

Finally the consul is required to give his coopération and yield a certain degree of obedience to the diplomatic representatives of his own country in the country where he is stationed.

Activities. — The consul is concerned chiefly with commercial affairs. He is required to collect all the information which it is possible to obtain concerning the resources, industry, and trade of the country where he is stationed, for use by the gov-

What Your Consul Does



Consuls of the United States in all parts of the world serve the several departments of the national government in Washington and the American citizen in the numerous ways indicated on this chart. It was prepared originally by the Department of State.

ernment and private business concerns back home. He is required to assist in securing supplies and services of various kinds for ships flying the flag of his country when they enter the ports of the nation where he is located. He may help to promote the trade of his own country with that of his residence by many methods. He acts as a commercial representative for business men and exporters and importers in both countries.

Secondly the consul acts to protect his fellow citizens abroad. He keeps a record of fellow citizens resident in or passing through his consular district. He intervenes with local governmental officials in cases where fellow citizens have fallen into trouble with the former. He protects and assists sailors of his country to get back home by securing them employment on ships returning home and even by providing them with free passage in case of urgent necessity. To fellow citizens abroad who are in distress the consul is a great friend in time of need.

Finally, the consul acts on behalf of his home government in helping to enforce its navigation laws, quarantine laws, immigration laws, and customs regulations. He indorses the passports of persons going to the country he represents — or refuses to do so in some cases. He inspects goods shipped to the ports of his home country in order to help in the collection of tariff charges on those goods on arrival and to help enforce the quarantine laws. He watches over the execution of treaties between the two countries, commercial treaties and others, and he sometimes acts as judge in disputes between sailors and ships' officers.

Needless to say, the consul is a very busy person. He is usually a person trained in business and legal matters and he labors incessantly at a host of detailed tasks none of which seem very important but all of which when taken together

constitute a large part of the relations between his own country and the country in which he is stationed. He is one of the most useful of public servants and one of the least noticed.

The diplomatic agent. — The diplomatic representative differs from the consul in many ways. He is appointed, like the consul, to reside in a foreign country, and perform such duties as are allotted to him. But he differs in almost every other respect from his humbler colleague. He must, therefore, be studied in and by himself.

Ranks. — The chief diplomatic representatives of the United States and of all other countries are called either "ambassadors" or "ministers." As in the case of the consuls of various grades, the ambassador and minister, while they are distinguished in rank and precedence as even consuls-general and consuls are not, have substantially identical powers. They are assisted by still other persons known as diplomatic secretaries or counselors. There are also certain military, naval, and even commercial representatives attached to the diplomatic post for the purpose of making observations in their own field and reporting back home. Yet with all these different varieties of officials the diplomatic service comprises fewer persons than are included in the consular branch.

Administrative organization. — A nation maintains diplomatic representatives only in the capitals of foreign countries. There are, therefore, only about fifty diplomatic posts of the United States in foreign lands, in contrast to our several hundred consulates. Finally the diplomatic agents, unlike the consuls, are subject exclusively to the control of the Department of State, the Department of Commerce having little or no interest in their work.

There are certain further peculiarities connected with the diplomatic office, both as regards rank and location, which are

important. Thus "ambassadors" are sent and received only among the more important countries, the nations of lower rank contenting themselves with "ministers," although the difference is almost wholly one of name and style. Secondly, no nation will send a diplomatic representative to another country unless the latter will, in return, send a representative of equal rank to the first nation. Third, no person may be



Photo by Ewing Galloway

EMBASSIES ON SIXTEENTH STREET, WASHINGTON

This street is sometimes called "Embassy Row" because on it so many foreign nations have built embassies for their representatives in America.

sent to another country who is personally unacceptable there, as a person would be who had denounced that country in public addresses in his own country before receiving his appointment.

The diplomatic representative, unlike the consul, acts without attention to any districts or subdivisions of the country where he is stationed, dealing always with or through the central government. He also supervises to some extent the

activities of the consuls representing his own government in all parts of the country. He is a member of that body of persons at the foreign capital who are known as "the diplomatic corps," which consists of the diplomatic representatives of all countries represented at that capital. This body watches to see that the privileges and rights of members of the corps are respected by the local authorities.

Activities. — The affairs with which the diplomat is chiefly concerned are political. He gives some attention to commercial affairs, to the protection of citizens of his own country, and to all the other matters intrusted to the care of the consul. His chief concern, however, lies with political conditions in the country where he is stationed, the activities of its government and questions of international politics generally. He must observe such conditions and report upon them. He must keep his government informed concerning the views and probable activities of the government to which he is accredited. Chiefly of all, he must serve as a channel of communication between the two nations, to convey the requests and demands of one country to the other and to enter into negotiations for the settlement of matters arising between them. Under instructions from his own government and subject to the rules in force in his own country respecting such matters, he may speak in behalf of his country, and express its desires and demands in his own name.

Thus he represents his country and speaks in its name, and this is his most distinguishing power and duty. It is this possession of a "representative capacity" which distinguishes him most sharply from his colleague the consul. It is even more distinctive than, though not as spectacular as, the part which the diplomat is called on to play in the social life of the capital where he is stationed.

Criticism of diplomacy. — There is much about diplomatic activity which invites suspicion and condemnation from persons not actually engaged in the work, such as the social and ceremonial activities of the diplomat, the meticulous literary style of diplomatic documents, and the secrecy still maintained in connection with many diplomatic negotiations. Doubtless these traditional activities or attitudes are all overemphasized by the professional diplomat. But they are, as a matter of fact, on the decline in actual practice. Moreover, a certain minimum amount of social formality, of care in language, and reserve in the preliminary states of the treatment of a problem undoubtedly increase the possibility of success in the peaceful adjustment of international difficulties. Before one undertakes any extended criticism of diplomacy one must study carefully the reasons for those features to which he may easily at first sight object.

The foreign service as a unit. — There are certain points at which the consul and the diplomat draw more closely together. Both are chosen by their home government by any method which seems to it best, either by means of civil service examinations, after confirmation by the Senate or some such body, or by mere executive appointment. All of these methods are employed in the United States, the lower posts being filled by examination, the embassies and legations (ministers) by selection by the President; all appointments must be confirmed by the Senate. Both consul and diplomat enjoy certain privileges and immunities in the country where they are stationed, such as freedom from taxes, freedom from arrest, from jury duty, military service, and so on. The privileges of the consul are more limited in extent than those of the diplomat, but all of these matters are regulated in great detail by both international law and treaty agreements.

Finally, in certain countries, the United States included, the experiment of uniting the consular and diplomatic agents in one single foreign service is now being tried.

The importance of this system of consular and diplomatic representation among the nations should not be underestimated. Hundreds of representatives of the different nations reside and carry on their work continuously in the territories of the other nations. Thousands of instructions and reports are passing back and forth between them and their home governments at all times. Thousands of contacts are being made between foreign consuls and local officials, between foreign diplomats and officials of national governments every day. And millions of persons and vessels and business transactions are served and protected, and personal and national interests are protected and promoted, in an ever expanding and ever deepening body of international life and activity as would be possible in no other way.

The most characteristic activity performed by the diplomat is the making of an international agreement or treaty. To this activity of treaty making and its results we therefore now turn.

TREATY MAKING AND ITS RESULTS

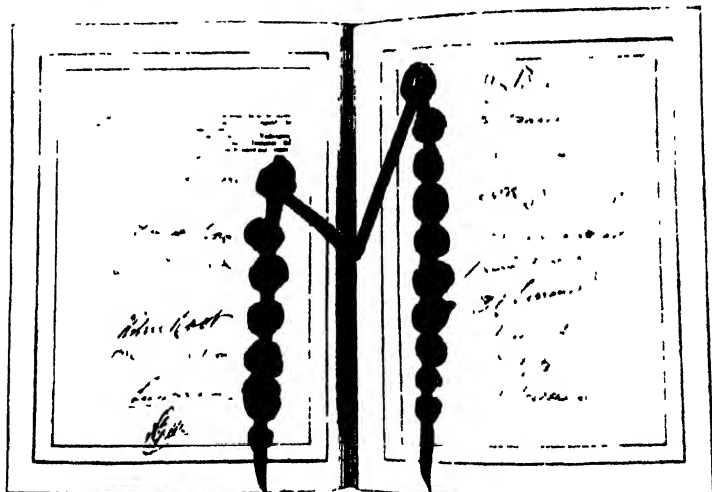
Definition of a treaty. — A treaty is primarily an agreement or contract between two nations. As such it must be made by a process of proposal, counter-proposal, and agreement. This process is called "negotiation." We shall examine first the steps in this process and later turn to the resulting treaties of different forms which deal with so many different subjects.

Agents in making a treaty. — Treaties are commonly made by the regular diplomatic representatives described in the earlier pages of this chapter, particularly by the diplomatic

representative of one nation and an official in the government of the nation to which he is accredited. They may be made, however, by agents specially appointed for this purpose. Finally they may be made, as they usually were in former times, by the heads of the contracting governments themselves, that is, by the Presidents or Kings of the nations involved, although this is now rare: President Wilson provides an example of this sort of thing in signing certain treaties on behalf of the United States in 1919.

Steps in making a treaty. — The first step in treaty-making is seen when a proposal is made by one nation to another that a treaty shall be concluded, a treaty intended either to deal with a subject not covered by any agreement existing at the time between those nations or to replace or modify an existing treaty. Upon acceptance of such a proposal agents of the two nations meet personally and begin the negotiations proper. Each side puts forward its demands and its offers and an effort is made to reconcile the more or less divergent views which are certain to appear at the beginning. When this has been accomplished the next step is to "draft" the treaty or write out the agreements reached, in a series of paragraphs or "articles," preceded by the "preamble" and followed by the date and place of signature. This task of drafting the treaty is exceedingly difficult and important because of language difficulties. Often the treaty must be drafted in the different languages of the two countries or in some standard language such as French, which has long served for such a purpose in the conduct of diplomacy. Drafting is very important, as can easily be seen, because the whole effect of the treaty will eventually depend on the exact words used in the text. When the treaty has been drafted, it is signed by the agents who have agreed to it on behalf of their home governments and then it

is sent to those governments for final approval or ratification by the President or King. This may require the consent of certain representative bodies in the two nations, such as the Senate in the United States, depending on the constitutional law of those nations. If changes or reservations in the treaty are made at the time of ratification these changes must be



CONCLUDING PAGES AND SIGNATURES, TREATY OF WASHINGTON, 1921

We see here the signatures to the treaty signed at Washington in 1921 providing for limitation of naval armaments. The signatures of delegates of the United States, Great Britain, the British Dominions, India, France, and Japan are shown here in the order named, with seals of the delegates attached

approved by the other nation. Finally ratifications, or documents testifying that it has been ratified on both sides, are exchanged, and the treaty then goes into operation unless provisions have been inserted in the text of the agreement specifying a different date on which the treaty shall take effect.

The making of treaties is becoming more and more difficult, especially for central governments in federal unions such as

the United States which are restricted by the states in the union and by requirements for senatorial or parliamentary approval designed to insure democratic control of foreign relations. This is unavoidable and, on the whole, desirable. It is not peculiar to the United States. Abuse of such powers for personal or local or partisan ends is open to most serious condemnation, however, and coöperation between President and Senate rather than conflict between them should normally be the tone of the action of treaty-making in Washington.

Termination of a treaty. — Treaties are commonly made for indefinite periods of time. In that case they remain in effect until repealed by agreement, replaced by other treaties, or until one of the parties denounces the treaty in accord with the rules of international law. These rules permit such motion under certain circumstances, such as failure of the other party to live up to the treaty. Treaties may, of course, be made for definite periods of time, as for a period of ten years, in which case they come to an end at the end of that period unless prolonged by common consent. Certain treaties call for the performance of certain specific acts such as the cession of territory or the payment of money and when these acts have been performed the treaty is said to be "executed" and is no longer in operation for these purposes. There are many rules of law governing all of these aspects of the termination of treaty obligations.

Forms of treaties. — When we examine it closely we find that a treaty is simply a diplomatic agreement which is given a special form because of the importance of the subject matter with which it deals. Beneath the standard "treaty" in importance are to be found many less formal agreements, called by different names, of which the "protocol" is the most familiar. This is an agreement very much like the treaty in

form and often dealing with very important matters, but frequently given this special name because it is made as an addition to, or explanation of, some other treaty already in existence or in preparation. Above the ordinary treaty stands the "convention" which commonly deals with the most permanent and most important matters between nations. Such a matter would be the creation of an international bureau or an international court. Whatever their form, however, all treaties are essentially contracts between the parties and bind only those who have signed and ratified them.

THE TREATY OF PEACE

LONDON

THE ALLIED AND ASSOCIATED POWERS

AND

GERMANY,

The Protocol annexed thereto, the Agreement respecting
the military occupation of the territories of the Rhine,

AND THE

TREATY

LONDON

FRANCE AND GREAT BRITAIN

ALFRED DODD

Assistance to France in the event of unprovoked
aggression by Germany

Signed at Versailles, June 28th, 1919.

With Maps and Signatures in facsimile

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TITLE PAGE OF THE TREATY OF VERSAILLES

The Treaty of Versailles was the longest and probably the most important international treaty ever signed. The title page of the treaty as published by the British government, together with certain other international agreements related thereto, is shown here

Parties to a treaty. — The most common type of treaty is signed by only two nations, in which case it is said to be a bilateral treaty. As various matters become of interest to more than two nations, however, and this is coming to be the case more and more frequently, multi-lateral treaties, or treaties signed by three or more nations, are becoming more and more common. It is not unusual today to find treaties signed by ten or more states, and a few treaties have been made in which thirty or forty or even fifty nations have been participants. In this case the treaty begins to take on the appearance of a general international statute or constitution, and passes out of the class of mere contracts, although it is still true that it binds only the states signing and ratifying it.

Subjects of treaties. — Similar changes are taking place in the subjects with which treaties deal. Let us survey these changes briefly.

Peace and boundaries. — The earliest type of treaty was the boundary treaty and the treaty of peace. These agreements put an end to wars existing between the contracting parties and fixed their common boundaries. Of a very similar type are treaties for the cession of territory by sale or exchange. Every nation has its collection of boundary treaties which define its territorial possessions with respect to its neighbor states.

Commerce and navigation. — Another large class of treaties deal with commerce and navigation. Such treaties regulate the rights of the citizens of the contracting parties in the territories one of another, and the privileges of navigation accorded to aliens in rivers, bays, and harbors under the control of one nation. In commercial treaties the exchange of consular representatives is often regulated, although this is now more frequently done in separate consular conventions.

Nationality and extradition. — A third group of treaties regulates matters of nationality and citizenship and the extradition of fugitives from justice. The former define the rights of the contracting parties in the matter of receiving aliens and admitting them by the process of naturalization into citizenship on a par with native born citizens. Closely akin to this is the immigration treaty, not so frequently encountered because the nations still prefer to regulate this matter by action of their legislature. The extradition treaty provides for the handing over by one country to another of persons who have committed some crime in the latter country and fled to the former to escape punishment. These agreements define carefully the crimes for which fugitives will be extradited, the nature of the proof demanded before such action will be taken, and the procedure to be followed in carrying this delicate process into execution.

International law and government. - Finally there is a group of treaties or conventions dealing with international government, such as the proclamation or revision of rules of international law, the establishment and operation of international courts, commissions, or conferences, and international federal unions. These conventions are much more numerous now than they were fifty years ago. It is they which are usually signed by larger numbers of nations and which approach international statutes or constitutions in appearance. The conventions concluded at the Hague Conferences in 1899 and 1907 provide us with our best examples of this sort of thing. The Covenant of the League of Nations falls within this class also and it now has over fifty signers if we include the states which have adhered to it on the same footing with the original signers since it was originally concluded in 1919. It might be added that certain types of treaties once

very common have now decreased greatly in number. Such is the marriage treaty — an agreement for the marriage of members of royal families. Another is the treaty of subsidy, for the payment of money by a great nation to a smaller nation in order to retain the diplomatic or military support of the latter. The treaty of alliance, for mutual military assistance between two states in time of war, defensive or offensive, is still encountered, although it also is much less common than it formerly was.

Needless to say, with sixty or seventy nations busily engaged in making treaties, and with some treaties remaining in effect for indefinite periods of time, there are at present a great many treaties — over ten thousand — in existence among the nations of the world. Every nation of importance has several hundred such agreements on its books at any one time, binding it in all sorts of ways to other nations. These agreements are often collected and published in books by the governments themselves and more frequently still by private scholars interested in the study of international law and diplomacy. Finally, collections of all treaties of all countries are published and one such collection which has now been published continuously for over a hundred and fifty years numbers over a hundred volumes and includes tens of thousands of treaties in its pages.

Enforcement of treaties. — The enforcement of treaties is, in general, on a par with the enforcement of international law as described in the preceding chapter. There are, however, two special aspects of treaty enforcement which deserve special notice.

In the first place a treaty may call for action merely by the governments of the countries concerned, as where a treaty provides for the cession of territory. In this case the execu-

tive officials of the nations may be able to carry out the treaty without further aid. But a treaty may relate to the rights of private individuals, as does a treaty granting commercial privileges to the merchants of the two countries, or it may call for the appropriation of money. In the latter case and frequently in the former case legislative action by the Congress or Parliament may be needed before the treaty can be carried into execution. It is the duty of the legislature to live up to the treaty by taking such action, but the necessity for this additional step is of great importance in the practical execution of the treaty. Finally the courts of the contracting nations may be the authorities actually called upon to carry out the treaty by applying it in cases arising in legal disputes between individuals or between individuals and the public officials of the country. In these ways the execution of the international treaty becomes woven into the governmental activities of the nations parties to it in such a way that the treaty enjoys a much better chance of effective enforcement. In these circumstances, indeed, the line between international and national law is almost lost from sight.

Secondly, it is very difficult for nations to escape the obligations imposed on them by treaties. It is easier to avoid the duties imposed by general international law because the law is uncodified and this makes possible disagreement as to its real meaning. But, in spite of possible disagreements regarding the interpretation of the terms of a treaty, the fact that the obligations are set forth there in definite terms and that a treaty is a pledge given freely and explicitly by the contracting nation, make it peculiarly binding. No nation could regard its treaty obligations as a "scrap of paper" and hope to secure further agreements from other nations. A nation depends too much upon such agreements for the satisfaction of

its needs to be able to throw away such a source of benefit. As a matter of actual practice treaties are concluded repeatedly and continually among all nations with no doubt concerning the intentions of the parties to honor their plighted word.

The result of the negotiation of all forms of treaties, dealing with all sorts of subjects, by all sorts of national diplomatic representatives, as described in this chapter, is a network of rights and duties which binds the nations together in an ever thickening fabric of international legal ties. These bonds are strong because they embody the vital interests of the nations concerned and because they are formulated in specific terms. Sometimes the terms are changed but they cannot be ignored. Coupled with the system of diplomatic and consular representation they form the groundwork upon which the institutions of international courts, commissions, and conferences are later erected.

DEFINITIONS

Consul: an agent of one country stationed in the territory of another to promote and protect the commercial and legal interests of the nation and its citizens.

Commerce promotion: the activity of a consul in collecting information concerning commerce and stimulating that commerce between his home country and the country where he is stationed.

Protection work: the activity of a consul in protecting the persons and property of citizens of his home country in the country where he is stationed by intervening with the local governmental and police authorities.

Diplomatic agent: agent of one country stationed in the territory of another to represent his home government to the government of the country in which he is stationed.

Representative capacity: the authority to speak in the name of the nation appointing the diplomatic agent.

Diplomatic privileges and immunities: freedom from arrest and taxation enjoyed by diplomatic and consular agents in the conduct of their work.

Diplomatic corps: the group of diplomatic representatives of foreign countries stationed in any given national capital

Treaty: an agreement between two or more nations

Negotiation: the process of reaching agreement by mutual concessions between or among two or more nations.

Drafting: writing out in formal language the substance of an international agreement.

Ratification: confirmation of the authority of the agent who has signed a treaty.

Protocol: a minor form of treaty often annexed to another treaty

Convention: a higher form of treaty frequently dealing with the more permanent adjustment of legal and governmental matters.

STUDY HELPS

A. QUESTIONS FOR DISCUSSION

1. How do the duties of the Consul differ from those of an Ambassador or Minister?
2. In what leading capitals of the world does the United States maintain ambassadors rather than ministers?
3. What should be the qualifications of a consul? Of an ambassador?
4. What is the provision in the Constitution of the United States in regard to the making and ratification of treaties?
5. What are the principal subjects dealt with in treaties?
6. Why can a nation avoid carrying out common international law more easily than a treaty?
7. Find examples of treaty violation that have resulted in grave difficulties or in war.
8. Should ambassadors be political appointees?
9. Who are the American ambassadors in the leading capitals of the world?

B. PROJECTS FOR INVESTIGATION

1. Make a list of the diplomatic representatives of the United States to the following countries:
Great Britain — France — Germany — Italy — Japan — Mexico.
2. Who was the U. S. Ambassador to Great Britain during the World War? What were his policies?
3. Find out how the Rogers Act has improved the consular and diplomatic service of the United States.

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CHAPTER VII

INTERNATIONAL COURTS, COMMISSIONS, AND CONFERENCES

How do nations settle their disputes?

How are international scientific and economic matters regulated?

What kinds of international conferences are there?

COURTS

We have learned in the preceding chapter that in all ordinary cases nations regulate their common interests through their diplomatic representatives in other countries and by the negotiation of treaties. These are the usual methods available for treating international disputes and the many matters of common concern arising among the nations. With the increase in the number of such interests and the growth of the desire to settle disputes before they lead to war, there comes a change. The simple methods of personal diplomacy are supplemented by more elaborate methods of treatment. Today these methods are widespread and exhibit several degrees or forms of practice.

Methods of settlement of international disputes. — *Good offices.* — When two nations are observed by other nations to be engaged in a dangerous dispute which is likely to lead to war, any one of them may offer to the disputing nations its help, or "good offices," to promote settlement of the dispute. That is, it may offer a place with accommodations for a meeting of representatives of the disputing nations. We may assume that they have severed diplomatic relations — that is,

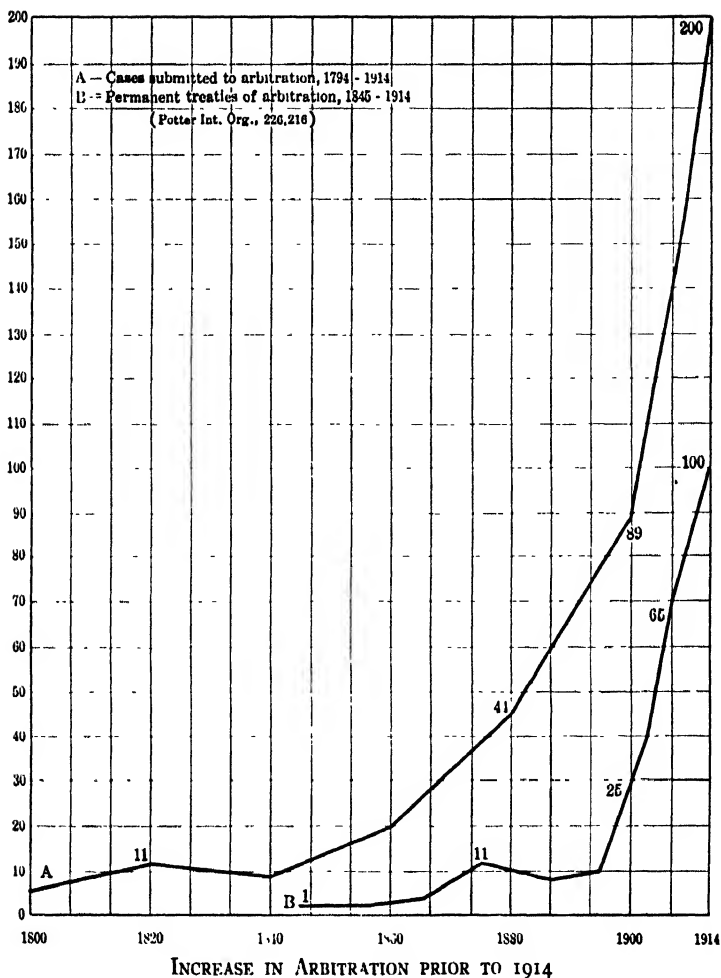
they have ceased to negotiate further with one another — and possibly may have entered upon war. The peace-maker may then seek to have the warring nations agree on terms of peace. Of such a character was President Roosevelt's tender of "good offices" to Japan and Russia during the Russo-Japanese war in 1905. The nation which tenders its "good offices" does not share in the discussions but hopes to see the parties come to agreement by themselves. A tender of "good offices" is thus a very conservative step and it can in no way involve a nation in hostile relationships. It may always be declined by the parties to the dispute, unless they are bound in advance by some treaty agreement to accept it.

Mediation. — A second stage in the progress of settlement is reached if the third nation offers "mediation" — that is, if it offers to take part in the discussions to help find a solution acceptable to the disputants. Again, such an offer may be declined and the process may be terminated at any time after it has been begun. Likewise a solution suggested by a mediator may be rejected by either disputant, always provided there be no special agreement to the contrary.

Conciliation. — The process of good offices and of mediation are brought to a higher degree of organization by the establishment of a "council of conciliation." This is a permanent body, or a body meeting on certain occasions, established always by treaty agreement. It is composed of representatives of the several nations, to which disputants may, or must, submit their differences according to the terms of the treaty. Whether they may reject the solution recommended by such a council and go to war, or take any further action, one against the other, likewise depends on the treaty. The United States has signed a number of such treaties with other nations.

Arbitration or judicial settlement. — Finally, an international dispute may be submitted to arbitration or to settlement by a court in accordance with an agreement between the parties made either before or after the dispute has arisen. The composition of the court — which usually consists of three or five judges — the procedure to be followed in the trial, and the powers of the tribunal are specified in the treaty. The award, when made, is binding on the parties unless fraud has been practiced in the trial or unless the court has exceeded its powers.

History of arbitration. — As a matter of fact, even the Greek and Roman states submitted many questions to arbitration, that is, to decision by one outside party or by more than one. This practice was followed more or less actively during the Middle Ages. The great expansion of this idea came about, however, during the end of the eighteenth and the early decades of the nineteenth centuries. A great stimulus was given to the cause of arbitration in recent times by the settlement of the dispute between the United States and Great Britain over the *Alabama* Claims. During the Civil War an armed vessel, the *Alabama*, built in England, sailed out under the Confederate flag, and did much damage to Union commerce. The United States claimed damages, and there was tense feeling against England. In 1871, The Treaty of Washington was signed, by which the matter was submitted to a tribunal of five members, one each from the United States, England, Italy, Brazil, and Switzerland. The hearing took place in Geneva, Switzerland, and the United States was awarded damages to the amount of \$15,500,000 against Great Britain. After this case, many disputes were submitted to arbitration by other countries. Down to the end of the nineteenth century cases submitted to arbitration were always



Both treaties providing for future arbitration and cases actually submitted—an older form of action—increased greatly prior to 1914, especially after 1875. Since 1918 more and more treaties for future arbitration have been made.

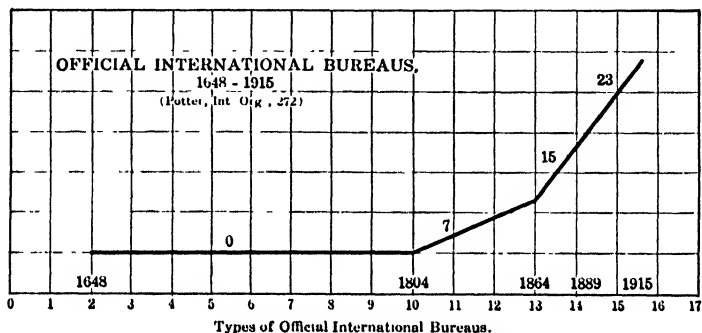
submitted to courts that were created especially to deal with each case after it arose.

The Hague Court. — In June, 1899, a successful attempt was made at the Hague Peace Conference to organize a permanent court to which all cases could be referred from time to time. After that date, treaties requiring submission of disputes to this permanent court increased greatly in number. At the Hague Conference of 1907, the treaty creating the court, now known as the Hague Permanent Court of Arbitration, was revised and the nations continued to submit their cases to this court — and to other special courts — down to the outbreak of war in 1914.

The Hague Court was not entirely satisfactory, in composition or procedure, to the friends of international judicial settlement. It was made up largely of persons untrained in legal matters but accustomed to the methods and the standards of diplomacy and international political bargaining. Hence attempts were made, chiefly under the leadership of the United States, to reorganize the court in 1907. We desired to diminish the diplomatic and political character of the court and to increase its judicial character by converting it into a permanent group of judges of the highest character and legal training. We also recommended that the nations be required, as a matter of legal principle, to submit disputes of a legal nature to the court. These efforts failed at the time. Hence, when the League of Nations came into being in 1919-1920, it was hoped that a new court would be organized on the improved lines indicated in 1907. How this was done we shall see later.

Enforcement and obligatory submission. — It should be added that where they have been employed, international courts have given satisfaction except in a small number of cases, cases so few as to be almost negligible. Notwithstand-

ing the absence of any means of enforcement, only five or six awards have been rejected out of the several hundred awards handed down in the past century and a quarter. Little complaint is heard of unfairness or lack of judicial character in international courts. On the whole, they have shown that nations can submit their disputes to an international court



I. Communications

Central Rhine Commission (1804)
Danube Commission (1866)
Postal Union (1863)
Telegraphic Union (1865)

II. Health and Morals

Sanitary Council of Constantinople (1838)
Sanitary Council for Tangier (1840)
Penitentiary Union (1872)

III. Commerce and Finance

Union for the Publication of Customs Tariffs (1880)
Financial Commission for Greece (1897)

IV. Scientific

Committee for the Exploration of the Seas (1899)
International Institute for Seismology (1908)
Pan-American Scientific Congress (1907)

INCREASE IN INTERNATIONAL BUREAUS

International administrative agencies increased steadily after 1804, when the Danube Commission was created. On the chart are listed the types of bureaus by reference to the subject matters with which they deal. Many more private and semi-official administrative agencies exist side by side with the official bureaus

with a reasonable guarantee of a fair and impartial settlement. The main thing to be accomplished now, therefore, is not so much an improvement in our arbitral courts as agreements for the submission of a larger number of disputes among the nations as they arise.

International disputes, the most dangerous type of international relation, constitute the type most familiar to the ordinary observer because of the prominence given them in daily

reports of international affairs. But they are not the most common type of international relation and they should not be allowed to crowd out of our thoughts the great number of activities of amicable international concern. Among the latter are the routine matters of scientific and economic life among the nations, such as communication, navigation, and commerce. For these matters, not judicial tribunals but administrative bureaus or commissions are needed. To these we now turn.

ADMINISTRATIVE BUREAUS AND COMMISSIONS

Origin and growth of bureaus and commissions. -- It was only about a century ago that the increase in routine interests among the nations required the creation of an international administrative bureau or commission. Institutions of an administrative nature are permanent -- unlike most courts of arbitration. They multiplied steadily during the past century, and by 1914 about fifty such bodies existed. In the years since 1918, several additional bureaus have been created.

Composition and procedure. -- An international administrative bureau or commission, such as the International Postal Bureau, is a body of a dozen or more persons who are authorized, by a convention signed by several nations, to perform certain services under the convention and by-laws of that union of nations. The convention is ordinarily revised every three or four years by a general conference, and during the intervals a governing board or executive committee meets usually once a year or oftener to supervise the work of the bureau or commission. The governing board or executive committee is ordinarily made up of diplomatic representatives, of course, while the bureau is made up of scientific experts in the field of activity of the bureau.

Subjects considered. — The international bureaus deal with such subjects as international communication (river navigation, postal service, telegraphy), health and morals, commerce and finance, and science — these subjects having appeared historically in the order named. Of these four groups the following may be given as examples: Wireless

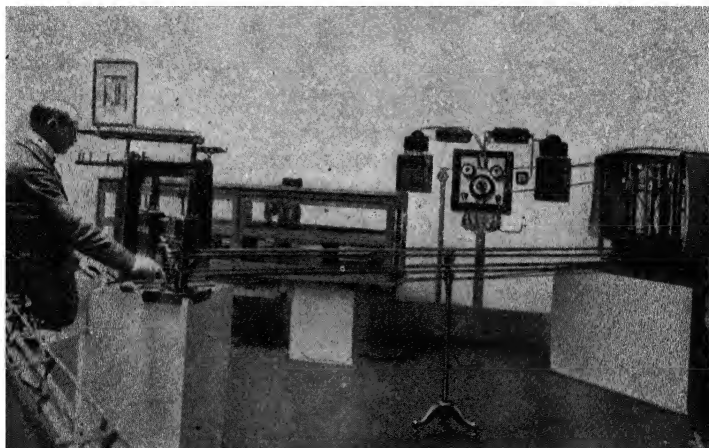


Photo by Ewing Galloway

STANDARD SCALE, INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES,
SÈVRES, FRANCE

Here the weighing and measuring systems of most of the civilized world are perfected and kept adjusted. The work of this Bureau affects the people in every nook and corner of the world.

Telegraphic Union, 1906; International Office of Public Health, 1907; Union for Standardization of Electrical Units, 1908; International Commission on Map of the World, 1909. Many of these bureaus — sometimes called unions — have appeared as a result of the official recognition and adoption of private international bodies, such as those described in a preceding chapter.

Functions of such organizations. — It is interesting to inquire into the reasons why various subjects are turned over to such organizations. It is not because they are the most important subjects in international relations, for immigration and armaments, not yet intrusted to any bureau, are among the most vital of all international problems. Nor is it because they are wholly unimportant and exempt from dispute, for public health measures, which are frequently intrusted to the care of international bureaus, are of extreme importance. It is because these questions need a particular type of treatment for which the bureau alone is adequately adapted. Let us now see just what its functions are.

Information. — The simplest function performed by the international bureau is the collection and distribution of information concerning the matter intrusted to its care. This is a most useful service in a day when statistics play an ever larger part in forming governmental policy. It is a service for which a court or a conference would be ill-adapted.

Exchange of opinion. — The next function of the bureau is to serve as a clearing house for the exchange of opinions among the members of the union. Obviously there is some similarity between this activity and that of a conference. In this bureau may be found a permanent record of the facts and recommendations collected from the member states.

Recommendations for action. — A different kind of action is observed when the bureau itself considers, and suggests a treatment of, a certain matter. The result may be a draft treaty recommended back to the members for acceptance, or even the adoption of rules on the subject of the bureau itself, under the authority of the convention. In such cases the bureau acts as a law-making rather than a law-enforcing body.

Executive action. — It is when the bureau proceeds to carry out the convention and by-laws, or other agreements of the union, that it attains its true character as an administrative body. The sanitary commissions, the postal bureaus, and the navigation commissions carry on their activities not merely by collecting and distributing information or by making and revising rules, but by actually fumigating ships, or sealing mail bags, or collecting tolls, or blowing up icebergs. Moreover, they have power to enforce their decisions and actions at the time and place performed.

The result is a type of work quite distinct from that of a court or conference. The court looks back to a dispute which has previously arisen, the conference looks forward to future trouble to be provided for in a treaty, but the commission acts in the present. Courts and conferences meet from time to time, the bureau acts continuously. Courts and conferences work in the glare of public attention because they deal with matters of high international politics, but the commission labors obscurely with concrete matters of concern chiefly to individuals. The commission is like the consul; useful but unappreciated.

Finances and arbitration. — It should be added that the bureau also performs the function of collecting and disbursing money in the course of its other activities and also the function of settling, by arbitration, disputes among its members strictly incidental to its work. These functions are, however, secondary functions of the bureau, although the financial action is closely akin to its main work.

Bureaus and commissions as examples of international government. — The results of international administrative activity are striking. In the first place, seeing that the bureau acts directly on the matter in hand and through individ-

uals in the different nations instead of through the governments of the nations, it is the best example of international government which we have. It shows how people in different nations may live and be controlled under the rules of an international body acting independently of the individual governments. In a very real sense, it is only here that international government actually makes its appearance.

Removal of their subject matter from politics. - The effect of intrusting a given subject to a bureau is to remove it from the field of international politics. Even when disputes arise they are settled quietly within the union; even when the commission meets, discussions remain within bounds because the whole atmosphere is one of permanence, continuity, and practical utility, in contrast with the spasmodic and sensational diplomatic conference on special issues of world politics.

These contrasts are clearly apparent if we compare the position of the experts with that of the diplomats. The experts are interested in the effective working of the bureau, the diplomats in protecting national rights. The experts favor those measures which lead to the efficient working of the bureau. They are reluctant to see the vote of a small nation have as much weight as that of a large nation; they are willing to have the colony vote in its own name along with the mother country; they prefer rule by the majority to the requirement of unanimous vote. On the other hand, the diplomats are devoted to traditional ways of doing things. They would prefer to see the bureau fail than to lose some of the pretensions of their respective nations.

Success of administrative bureaus. - It is true that the international administrative bureaus have not been uniformly successful. Several have broken down completely in practice.

The reasons are not deeply hidden. The nations have not yet realized the necessity or desirability of such bureaus to the extent of giving them adequate power. Politically minded diplomats, statesmen, and politicians do not realize the usefulness of international administrative bureaus and the imperative need for world administration, even where they see conditions they are able and frequently willing to conceal the facts from the public. Hence international administrative bodies are starved for the want of the power that is necessary to make them serviceable, and consequently they fail to produce the results of which they are otherwise capable.

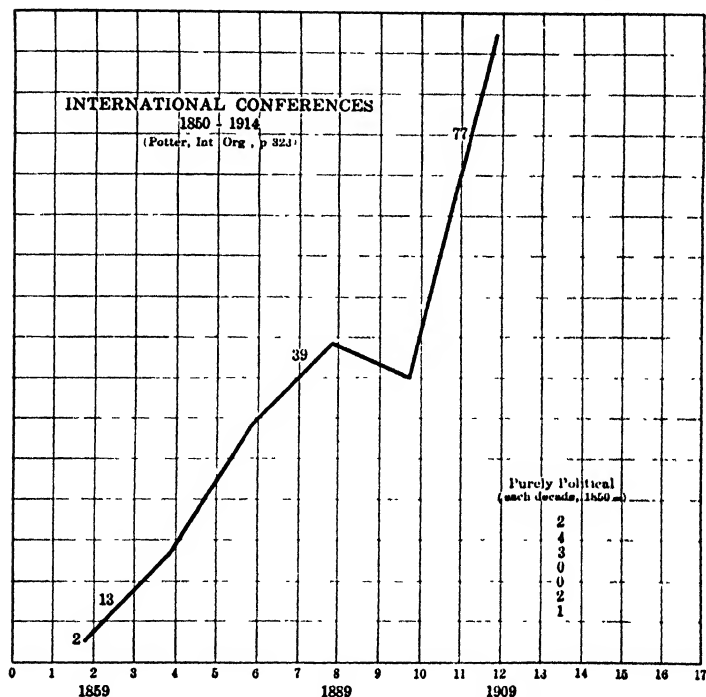
INTERNATIONAL CONFERENCES

Comparison of three types of international organizations. — International conferences receive more attention than either international administrative bureaus or even courts of arbitration. Even in the case of administrative unions and courts of arbitration, the conferences which are held for the revision of the rules of these bodies receive more attention than the bureaus and courts themselves.

There is no justification for this preference of public opinion. On the basis of its real importance, the court or the bureau should receive more attention than the conference. The court makes a final decision on the matter submitted to it. The bureau deals in an executive way with present problems. The conference merely lays down general rules, and the result is usually far off in the future.

On the other hand, the international conference has certain claims to paramount attention, for it occupies a unique position in a certain field of international government, and it must be regarded as the most powerful single organ of international relations. To it we now turn.

Development of international conferences. — Where only two diplomats are gathered together, there is a conference. It is obvious, therefore, that this very important organ devel-



INCREASE IN INTERNATIONAL CONFERENCES — 1850-1914

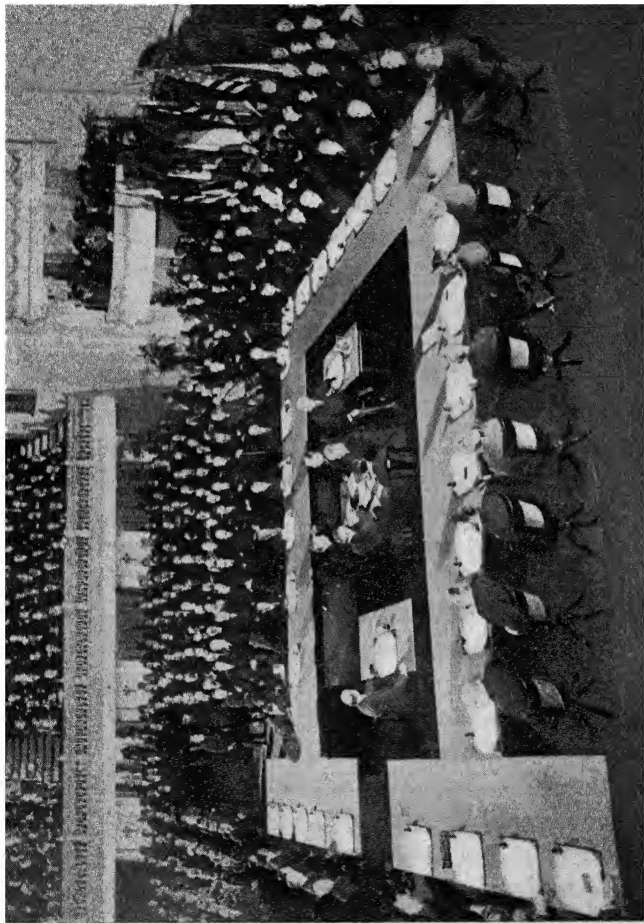
The majority of the conferences represented by this graph were scientific or legal in character. Since 1918, the number of conferences has continued to increase, but the foundations were laid during the period shown in this graph.

ops out of the simplest personal diplomacy. As three, or four, or a dozen, or a score of diplomats gather together, the meeting seems to take on more and more the character of a conference. When representatives of twenty, or thirty, or fifty, states,

gather together to discuss and decide certain questions of policy we have the international conference in its most fully developed form.

International conferences held at the conclusion of wars made their appearance very early in international relations. But the resort to conferences in time of peace came only during the nineteenth century. Since 1850 this practice has increased rapidly. It has been encouraged by the increase in private international conferences of all sorts and by the establishment of international bodies of other types requiring conferences for their creation and continued operation. During the period from 1900 to 1914 conferences were meeting at the rate of about seven per year. Since 1919 the practice has been resumed and the number of conferences now being held is greater than ever.

Aspects of an international conference. — *The call.* — The international conference comes into existence when one state has taken the initiative in calling the conference, and certain states have accepted the invitation issued to them. Thus the nations met in Washington in 1921 to discuss the Limitation of Armaments solely because they had been invited to do so by the President of the United States. In general, it may be said that there are few series of conferences which meet automatically at stated intervals — the exceptions being the conferences which form part of the administrative unions and the Assembly of the League of Nations. Hence nations look with suspicion upon the nation that calls a conference, fearing that it is seeking to gain an advantage. The inviting nation has a chance to decide in advance the program of discussion, and the invited nations may refuse to come if they are not pleased with the program. Because of these difficulties, conferences are not always called even when the situation would justify such a step.



From Wide World Photos

WASHINGTON ARMS CONFERENCE

The conference was held in Continental Memorial Hall, November, 1921 - February, 1922. The delegates were seated and the representatives of the press and the public were accommodated as shown in the picture. Interpreters and secretaries are seen in the center.

Organization. — At its first meeting, the conference is presided over by the leading delegate of the inviting power — which is ordinarily the power in whose territory the conference is meeting. Likewise the secretary will be the secretary provided by the local national government. These temporary officers are almost uniformly made the permanent officers of the conference, much to the advantage of the local state.

Subjects considered. — The topics dealt with by international conferences range over the whole field of international relations, from cessions of trivial bits of territory to the creation of a federation of the nations. There is one classification of subjects dealt with by international conferences which deserves special attention, namely, peace conferences and other conferences.

Peace conferences are held in time of war with the object of restoring peace; the other conferences are held in time of peace with the object of preserving peace. The matters dealt with by the two types of conferences are largely the same — cessions of territory, commercial privileges, international organization — all constitute the subject matter of treaty negotiation. It is in atmosphere and methods that the two differ. The peace conference is usually held when nations are very sensitive and while national feelings are very acute, and consequently it is often conducted without due examination of all relevant facts and without adequate consideration of the views of all of the parties in controversy. Such was the case in the Peace Conference held in 1919 at Paris at the end of the World War. Of this more will be said later.

Mode of procedure. — The conference transacts its business both in full sessions and in committees. Full or "plenary" sessions are held at the beginning and the end, and as often as necessary during the progress of the conference. Debate is

carried on more freely and a decision is arrived at more effectively in committee, and the formal confirmation of decisions takes place in full, or plenary, session. The expert advisers of the delegates present their technical data and scientific judgment in committee; the diplomats make their speeches in plenary session.

Manner of voting. — Members of the conference vote usually according to instructions from home, and they vote not so much on the basis of facts and arguments presented to the conference as according to previously formed national policies. Decisions are not made by majority vote, for support from great powers will often wipe out opposition from small states. Unanimous consent is required in any case, however, and this means that a small state can, if it dares to defy the great powers in the matter, block action of the conference by its own opposition.

Concluding acts. — A conference normally ends with the drawing up and signing of a "final act" which summarizes the work of the conference and lists the separate agreements concluded, and with the signing of these agreements. From this point onward the agreements are regarded as ordinary treaties, requiring ratification before being effective, and binding only those who have signed and who ratify their signatures. In this respect, the legislative character of the conference is destroyed, but when, in the long run of events, these formalities are viewed in their proper perspective, the conference regains the appearance of a constituent or law-making body whose power in promoting the new growth of international government is unique.

Record of action. — The results of a conference are invariably given a diplomatic form. That is, they are incorporated in minutes of the proceedings and left to stand as matters of

record, or they are put in the form of one or more international treaties and signed by the participants. Sometimes the matter dealt with — such as the creation of a court or bureau — is of such a character that the result is equal to an international statute or even a constitution. When a conference acts on such a subject, it reaches the highest position that could be occupied by any one international organ, namely, that of a constitution-making assembly. All other types of special international organs are created by the international conference. As we shall see later, even the international federation, the last step of all in international organization, must be created by repeated action of the international conference.

Classes of international conferences. — At this point it may be useful to note the general types of conferences held as a preface to our conclusions regarding the practicability of this international activity and the preliminary steps necessary to insure its success.

Political conferences. — Political questions were the earliest dealt with by international conferences, and included the problems that arose at the time of the settlement of peace or shortly thereafter. Such are boundary questions, recognition of new states, and kindred topics. These subjects are the most difficult of treatment. The atmosphere in so-called “peace conferences” is unfavorable to calm and fair deliberation. Political passion is rife, scientific facts and international justice are at a discount, and the conference is likely to act abruptly and in secret, and without adequate study of facts or use of expert committees.

Technical conferences. — Social and economic questions yield better results. Facts are available in great number, national policies are not challenged to quite the same extent, and general humanitarian considerations are more readily taken into

account. It is obvious, of course, that these matters may involve purely political problems and cause the conference to deteriorate into the undesirable political body already described. But when business men, economists, or other non-diplomatic persons are given a large share in the deliberations, the whole atmosphere and attitude and method of the conference change.

Legal and governmental conferences. — Finally the conference on legal or governmental problems yields the best results of all. This subject matter is technical in character and is therefore capable of expert treatment; it is also too plain to escape observation by the participants that they are making law or establishing governmental bodies, which, if they are to be of any value, must be able to command general support through long periods of time. Hence more deliberate and more balanced decisions are required if the conference is to be successful at all. The probability of future sessions of the conference, and the opportunities for revision of the results reached at the current session promote the experimental attitude, and this tends to diminish the temptation to adopt drastic and hence ill-balanced solutions.

Essentials for a successful conference. — A review of the preceding paragraphs will suggest three essentials of a successful conference: (1) the existence of a clear question for solution, (2) adequate preparation for the discussions, and (3) the effective organization of the conference. Vague and impractical issues are almost impossible of effective treatment — although it must be admitted that they are precisely the questions most likely to make trouble and hence most in need of treatment. Inadequate collection and study of facts mean hasty decisions based more on considerations of national policy than on the actual merits of the case and a true understanding

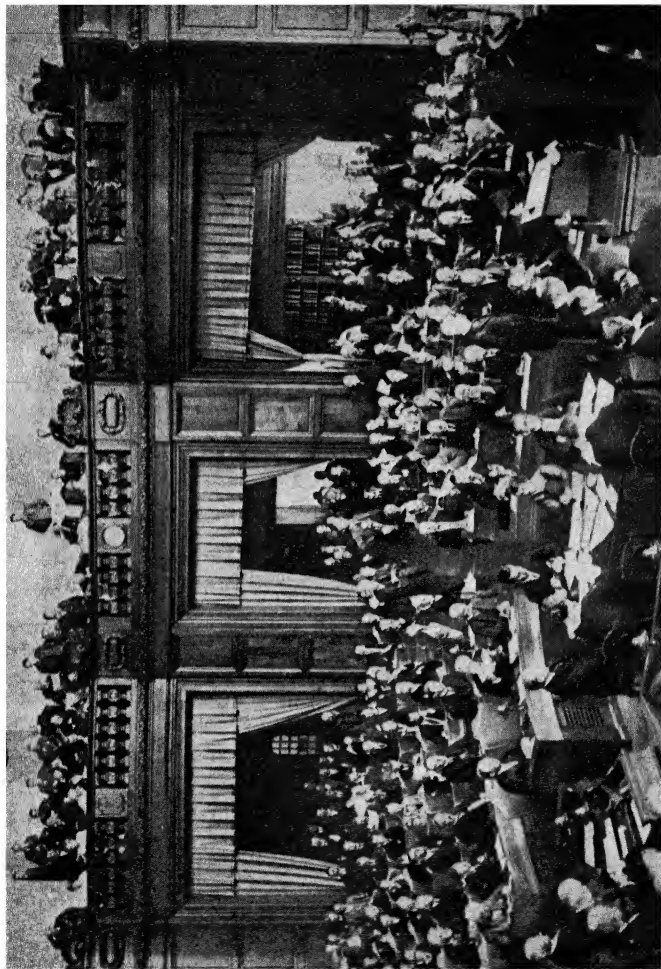


Photo from Ewing Galloway

CONFERENCE OF INTERPARLIAMENTARY UNION AT COPENHAGEN, 1923

This body meets to consider problems of public policy common to national representative bodies the world over. The Congress of the United States sends three delegates.

of the national rights involved. Lack of effective committee organization and expert consultation means much loose debate in plenary session and unscientific and shallow decisions in the end.

Problem of coördinating courts, commissions, and conferences. — The three institutions studied in this chapter form the central piers of the structure of international organization. Historically, these institutions have appeared one by one as discussed in this chapter, in an order inverse to that of their logical relationship. A logical development would have brought conferences first, commissions second, and courts last. The making of law, the administration of international agreements in the detailed business of international life, and the settlement of international disputes are the principal functions of world government. These functions are performed by international conferences, commissions, and courts, respectively. Fundamentally they are inter-related and are mutually supplementary. They have been allowed to appear separately and develop in isolation because the problem of organized international government has not been viewed as one unified problem until in very recent years. How this situation is remedied by the organization of a general international federation, and what problems are involved in this organization, we shall see in the next chapter.

DEFINITIONS

Good Offices: action by one nation in bringing together two other nations at the time engaged in a dispute to enable them to come to an agreement.

Mediation: action of one nation in suggesting to two other nations at the time engaged in a dispute a solution for their difficulties.

Conciliation: mediation performed by an organized council of representatives of non-disputant nations.

Arbitration: settlement of an international dispute by judges chosen by the parties.

International bureau: a bureau or commission created by two or more nations to perform certain administrative functions in their behalf.

International conference: a meeting of representatives of various nations to discuss certain questions at issue among them and if possible reach agreement with respect to those questions.

STUDY HELPS

A. QUESTIONS FOR DISCUSSION

1. Why is diplomatic representation not sufficient to settle international disputes?
2. What is the difference between "good offices" and "mediation"?
3. Why did the United States seek to reorganize the Hague Court in 1907? Why did our efforts fail?
4. How does an international bureau differ from an arbitration tribunal?
5. Why is a bureau a good example of international government?
6. Why do conflicts sometimes arise between the experts of a bureau and the diplomats.
7. What is an international conference?
8. With what matters do international conferences deal?

B. PROJECTS FOR INVESTIGATION

1. Look up the details of President Roosevelt's tender of "good offices" to Russia and Japan. What was the result?
2. During the trouble between the United States and Mexico in 1915 what countries acted as mediators?
3. Find some important disputes in which the United States has been involved that have been submitted to arbitration.
4. Did the Washington Conference in 1921-1922 meet the three necessities for a successful conference given in the text?
5. How was the Paris Conference of 1919 handicapped by war hatreds? What agreements were made that have never been carried out or that have been greatly changed?
6. What have been the chief conferences held since the war and what have been their main purposes?

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CHAPTER VIII

INTERNATIONAL FEDERATION

Why is an international federation needed in the world today?

What are the most important problems in forming an international federation?

What plans for international federation have been proposed in the past?

What can be learned from the federal unions now in existence?

Need of international federation. — We have already discovered that the common interests of nations are cared for by a number of different international agencies, including diplomatic and consular offices, courts, commissions, and conferences, each attending to a certain phase of international relations. The final step to be taken is the organization of some sort of a world federation which will gather together all these different institutions, reorganize them, if need be, and coordinate their activities. As a matter of fact, certain very important developments in this direction have actually taken place. To these developments we now turn. In addition we shall notice certain peculiarly difficult problems which arise when international federation is attempted and the various plans for such action which have been put forward in the past. We ought also to notice the actual experience of the world in the federation of states within individual nations, such as the formation of the United States of America.

When a federation should be organized. — In principle, a federation should be organized when there exist such a number

of matters of common interest to all the states in a group of states that they cannot be satisfactorily regulated by diplomacy, treaty negotiation, or similar means. When this point is reached it appears that the benefits of such a federation would outweigh the difficulties and the costs. It is difficult to know how many common interests are necessary before such a point is reached and it is also difficult to balance the probable benefits and the probable costs. It is also certain that each of the various national states will have its own ideas on the subject and that these ideas will differ considerably under all the circumstances.

Psychological basis of federation. — Needless to say, the decision is reached neither by cold reason nor by careful balancing of the facts. Public opinion is influenced by many emotions and prejudices. International federation does not come all at once. It develops gradually out of the simpler forms of international action which we have already studied. It will not come until the situation justifies it in fact and people feel ready for it in spirit.

Problems involved. — When independent states desire to form a federation they act through their representatives and conclude an agreement for that purpose. In this agreement are decided such questions as the form of the union, the kind of central government to be created, and the powers to be given to the central government and those to be left to the individual states. The Constitution of the United States reveals clearly the many problems of this sort which must be settled when independent states unite in this way. Let us consider some of the most important problems which arise at this time.

State sovereignty and doctrine of original agreement. — Probably the most difficult problem is that of reconciling the

idea of a union of states with the idea of the sovereignty or independence of the component states. Many people feel that the nation is in its very nature supreme and that it cannot be subjected to outside control or supervision. Such a position would make a union of nations impossible.

However, it is a fact, familiar to all of us, that, contrary to this idea of national independence, nations are continually binding themselves together by means of treaties, by agreements providing for arbitration, by international bureaus, and by conferences. In some of these bodies questions are decided by majority vote rather than by unanimous consent, and in such a case a nation may have to submit to an unwelcome decision made without its immediate participation. In some instances a nation may not be represented at all in a body which is deciding upon its rights. For example, when two nations submit a question to arbitration, at times the court is made up wholly of judges from other nations.

Sometimes the decisions made by these outside bodies affect the most vital rights of national independence, such as the right to make war. Yet they have not been thought of as destroying national sovereignty. As a matter of fact, when a nation signs a treaty to submit a case to arbitration, it does so of its own free will for reasons which seem sufficient at that time. Even when the decision later goes against it, the nation has accepted in advance the decision of the arbitration court. Therefore, the obligation is one accepted by the nation of its own accord by the terms of the original agreement. It is not a violation of the idea of national sovereignty, for that principle aims only to prevent a nation being compelled to do something against its will. It is apparent, therefore, that an international federation can be formed in a similar way without destroying national independence.

Distribution of powers. -- Another problem encountered in the organization of a federation is the distribution of powers between the central government and the individual states making up a federation. In the United States, for example, the central government is given the power to make war, establish post offices, and collect duties on imports, but the States retain the power to regulate the ownership of land, the school system, and the exercise of religion. Just which powers should go to the central government and which should be retained by the states is a difficult problem.

In principle those matters should be turned over to the central government for regulation which concern the states of the union in general, so that regulation by the individual state would be dangerous and unfair. Just which topics belong in this group is a difficult question of fact but the principle is clear.

Finally it should be noted that different topics pass over from one group to another as society develops. It has happened since 1789 that several matters have been transferred from State to national control in this country because it has later been found advantageous to have them administered by the central government.

The situation has been the same in international affairs. Several matters, once jealously guarded by the individual nations, are now controlled by treaty agreements, courts, bureaus, or conferences, and the process is still going on. The topics transferred from the national to the international sphere have not been wrested out of national control against the national will but have been turned over to international action because they could be managed better in that way. The transfer has been made very gradually.

Now this kind of process has the merit of being natural and sincere. A matter is not turned over to federal action until

it is evident that there would be a gain by so doing. It is the result of facts, not of theories. But it has the disadvantage of producing a mass of international institutions with very little connection between them, and it may also result in the neglect of the guiding principle back of transfer of authority from a state to a federation, the principle that all matters should be transferred to the central government when they cannot be dealt with adequately by the individual states.

Exercise of power upon states and individuals. — At times the powers granted to the central government must nevertheless be exercised through the different states. If the United States had been organized in this way it would mean that the national government would never collect taxes from us as individuals but would work entirely through the States. Such an organization means a sort of loose alliance or confederation. In other cases, the powers granted to the central government are exercised directly on individuals, no matter in what state they live. This means a real federal government that acts on individuals without any intermediary. Laws are easier to enforce under such an organization than when the central government has to act through the governments of the individual states. The latter method is dangerous to efficiency and is sometimes disastrous to the maintenance of unity and order.

Of course, when the central government does have direct power over individuals each citizen has a double allegiance, one to his State and one to the central government. In the United States, each one of us is subject to city, State, and national officials, and we do not feel that this situation involves any practical difficulty. In principle, however, this double allegiance is a significant step towards international or interstate federation.

Secession. — We should note that the question of the right of secession is one of great difficulty and importance. We all know that a Civil War lasting four years was fought in our own nation over this very question. To attempt to deny the right to withdraw is likely to discourage some states from joining the union. Such a denial makes the union seem in the minds of some persons like a monster that has swallowed its victims for all time. Yet, if a method of withdrawal is provided, it makes the union appear unstable and subject to the whim of some state that has been displeased.

Amendment. — A similar problem is present in the possible arrangement for amending the constitution. If the process of amendment is made too difficult, the constitution may not be kept in tune with changing conditions. If the method of amendment is made too simple, the union may appear so uncertain in character as to be hardly worth while.

Summary of subjects to be considered by a constitution. — In the preceding discussion, we have simply pointed out the fact that rather difficult questions are sure to come up when a federation is considered. The most important consideration at the present time is the recognition of the problems to be solved by states or nations thinking of a union. Then, with their eyes open, they can go about the discovery of wise and sound solutions. As a summary of this study, let us put down the subjects with which the constitution of any international federal union must deal.

I. Preamble of the Constitution.

A statement of the purposes of the union, such as the desire to promote justice, peace, and mutual service to one another.

II. Body of the Constitution.

A. Membership.

1. Original membership.
 2. Method of entrance of new members.
 3. Conditions under which a member may withdraw.
 - B. Organs and methods of government.
 1. Consular and diplomatic system.
 2. Treaty negotiation
 3. Method of providing for good offices, mediation, arbitration, Court of Justice.
 4. Executive and administrative council and commissions.
 5. Conferences or assembly.
 - C. Guarantees.
 1. Territory and independence.
 2. Commercial equality.
 3. Respect for life and property
 - D. Seat of government and rules of immunity for officials.
 - E. Expenses.
- III. Concluding Articles.
- A. Penalties for failure to perform duties.
 - B. Amendments.

It will be noted that there are several items in this outline which we have not yet discussed, such as the purposes of the international federation, its guarantees, and its penalties. All of these will be taken up in later chapters. In the remainder of this chapter, we shall examine efforts that have been made in the past to perfect plans for international organization, and the practical examples of interstate federation to be found in individual nations.

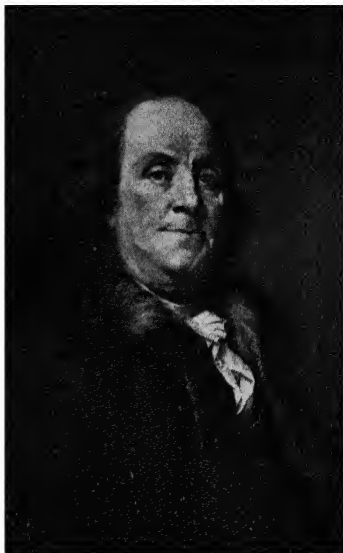
Projects for international federation. — Projects for international federation have been brought forward with increasing frequency since the end of the thirteenth century. Scholars from many different nations, including our own Benjamin Franklin, have drawn up these plans and proposed them for adoption by the nations. As a rule they have been based on the particular tastes of their authors rather than on the facts

of the world around them. Very often they arose from religious feelings or poetic hopes rather than from scientific calculation of what would work in the world as it is. They have been the product of philosophers and literary writers rather than of men of affairs.

Taken singly, these various schemes are neither important nor interesting. But their number shows that the idea of international federation has been developing. This growth has been slow until recent times. We may gain something by learning what purposes were behind them.

Schemes for national advantage. — National advantage is a motive that is present in many of these plans. Of course we can see that such a purpose would immediately make other nations suspicious. The Holy Alliance of a century ago failed largely because of this reason, as we shall see later. Nations will not join a federation which they think is being formed to benefit one or two of the sponsors.

Plans for international justice. — An unselfish desire to bring justice is a motive at the other end of the scale. Unfortunately, the reformer who works toward this ideal often



BENJAMIN FRANKLIN (1706-1790)

Franklin was one of the most versatile men of his time. He was not only very influential in promoting the formation of the United States, but he also developed a plan for international federation.

does not realize the practical difficulties. His scheme is too idealistic and it displeases those who think they will lose by it. Very often he does not have the ability to work out the details of his project, with the result that his plan is formed merely of high sounding phrases.

Plans based on historical development. — A more practical way of discovering the proper foundations of an international federation is to study the steps in that direction which have actually been taken in the past. For example, the Hague Court was organized in 1899 after a study of the courts of arbitration previously used. Then, when the Constitution of the Court was revised in 1907, this was done on the basis of what had been learned between 1899 and 1907. Finally, the experience since 1907 was used in organizing the Permanent Court of International Justice in 1920. This is the best method because it is the method of natural growth. We should find that the same procedure has been used in organization of conferences and the bureaus, and in other fields also.

Examples of national federations. — The courts just mentioned work only in the judicial field of government. If we wish now to apply the same method to the formation of a general union, one that has power in legislative, executive, and judicial fields, we must examine national federal unions such as the Greek leagues, the Swiss Confederation, and the United States of America.

Greek leagues. — In some ways the best examples of interstate federation in history are the leagues of Greek city-states which existed from time to time from 450 to 150 B.C. These unions had a federal foreign policy and military organization, a federal budget, a federal executive, and federal judges. All such steps had been taken before the attacks of the Romans put an end to these promising experiments.

Medieval organizations. — In the Medieval period, there were a few attempts at federal organization in Italy and Switzerland, but there were no permanent results. It is to the later years of the eighteenth century and to the nineteenth century that we must look for the successful carrying out of the idea of federal unions in individual nations.



Photo by Brown Bros.

INDEPENDENCE HALL, PHILADELPHIA

In this famous hall the representatives of the separate states in America met in 1787 to draw up a Constitution in order to become a federation.

United States of America. — There is no need for us to review here the story of the organization of the United States of America through the stages of the United Colonies (1774) and the Articles of Confederation (1777) to the making of the Constitution (1787). We should remember, however, that in

its beginning the union was a federation of states just as independent as are the nations of Europe today. The national unity that we now have, an immeasurable blessing, has come by gradual steps. From this point of view the whole of the constitutional history of the United States appears as one monumental experiment in and demonstration of the practice of interstate federation.

Other modern examples.— Other examples of the union of states are to be found in the Swiss Confederation, Germany, Australia, South Africa, Canada, Mexico, Argentina, certain other Latin American states, and even Soviet Russia. All of these federations offer many lessons in the problems of the union of states.

Value of American example.— There are several different opinions held concerning the suggestion that the United States might serve as a model for a world federation. We shall close our study of this subject by listing and estimating the value of these opinions.

More optimistic students of world affairs are likely to declare that what the states of America did in 1787, the European states or the nations of the world can do now. Franklin once said this. Many reformers repeat this statement today. Such an attitude overlooks the fact that the thirteen states of 1787 were fairly similar in race, religion, language, and culture. Furthermore, they had no historical background of strife to keep them from forming a union. The other thirty-five States of our country have been established and assimilated into the Union slowly. If all of the States had continued to be independent, it would be very difficult now to gather them into one union. We should remember that the nations of Europe and of the world at large have developed as independent units. They have few desires for union and many feelings of hostility toward any such idea.

On the other hand, it is encouraging to remember that the differences among the States of our Union that have been harmonized are greater than those among some foreign nations. Some of the nations of the world today, such as Belgium and France, or Venezuela and Colombia, are probably more alike than some of our States such as Vermont and Mississippi or Massachusetts and Arizona. The American experiment has proved to be a guide in many lands where interstate federation has been carried out, especially Argentina, Australia, Germany, and Russia. Finally, changes in the methods of communication and the unification of culture described in Chapter III have acted to make the nations more alike than ever before in history. These things increase the possibility of applying to attempts at international federation the lessons learned in the so-called national federal experiments. After all, the problem of world federation is merely one of interstate federation. It is only a difference in name to speak of the union of the states of Mexico as a national union and to term the union of the states of Central America, just because they once happened to be independent, as an international union. The Central American states are just as similar to one another as are the states of Mexico.

The sound conclusion seems to be that the success which has come to various efforts at interstate federation argues for the possibility of success on a wider scale. This does not mean that we may be sure of full success in such an effort or even that we may hope to avoid many serious difficulties. What is more important is that such efforts have provided us with many valuable lessons concerning these difficulties and the methods to be used to meet them. Various problems of federal constitutional organization have been given intensive study in the United States, in Germany, and in Switzerland.

The results of this study can be put to service in the formation and operation of any league of nations in the world at large.

Lessons of the past. — The principal lessons suggested by the experience of the national federations can be stated briefly. Any federal union to be successful must be comprehensive in its character. That is, it must include all branches of government — the legislative, executive, and judicial. A union with no executive branch will be fatally handicapped at the start. Further, the central government must be given sufficient power over matters which are actually of common interest. Leaving such matters to state control or giving the central government insufficient power is to invite trouble and perhaps disaster. Finally, whatever arrangement is actually adopted must be subject to change. This does not mean that the constitution should simply be subject to a few amendments. It means that the whole system should be sufficiently flexible in its arrangements as to take cognizance of changes in the state systems of the world and in the actual practices and customs of the nations.

Promise of the future. — The day of simple and rigid remedies for the difficulties among the nations has gone by. No single specific cure will do. What the community of nations needs is a long and gradual development of international organization made up of all the elements already existing such as arbitration, conferences, and bureaus, and culminating in the application of the federal system as a permanent way of getting along. To this final stage all previous developments have led as logically as preliminary stages ever lead to higher results in social or political life. The history of international relations shows many partial steps to international federation and points to world federation just as unmistakably as the history of Europe prior to 1914 pointed to the events that took place in that year.

DEFINITIONS

International federation: a union of previously independent national states under a central government.

Doctrine of the original agreement: the principle that a state is bound to accept an arbitral award or other international decision by the original agreement providing for the rendering of such an award or decision and that such obligation being voluntary does not injure the sovereignty of the nation.

STUDY HELPS

A. QUESTIONS FOR DISCUSSION

1. What difficulties stand in the way of forming an international federation?
2. Why does not the settlement of a dispute by arbitration destroy national independence?
3. What decides the question of distribution of powers between local and central governments?
4. What difficulties are presented in the questions of secession and amendment?
5. Why are the leagues of the Greek City-States spoken of as good examples of interstate federation?
6. What value has the experience of the U. S. had in the problem of international federation?
7. What are the principal lessons suggested by the experience of national federations?

B. PROJECTS FOR INVESTIGATION

1. During the Revolutionary War did the central government act through the states or on individuals?
2. What were the weaknesses of the United States under the Articles of Confederation?
3. What were the main arguments of those who opposed the adoption of the Constitution of the United States?
4. Debate the following: Resolved that an international federation could be formed without destroying national sovereignty.

5. Look up in the Constitution of the United States the provisions that protect the authority of the individual states.
6. What matters have been transferred to national control since 1789?
7. Make a list of the federal unions existing in the world today.

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CHAPTER IX

ALLIANCES AND CONCERTS

What is an alliance and what is its usual purpose?

What is the principle of the "balance of power"?

What is done to maintain this principle?

How has the "international concert" developed?

ALLIANCES

Definition and relation to international federation. — In the preceding chapter we have studied the various problems that are involved in the program of international federation. We have noted the plans for a union of nations that have been drawn up by various reformers and scholars. We have also made some study of the experience that certain nations have had in forming a federal union of the states within their own borders. International federation has not, however, actually come into being in history as the result of the plan of a reformer or by the deliberate copying of some national union. These factors have come into play only after more practical beginnings have already been made from another starting point. This starting point has consisted of the international alliances and concerts which developed in the field of international relations prior to 1914. To these we now turn.

The alliance is the seed of international federation on the political side. Like personal diplomacy, the alliance dates back to the earliest stages of international relations. We have seen that from personal diplomacy grew the international

conference which is the highest special form of international governmental action. Similarly, from the alliance grows the international league which is the highest form of general international governmental organization. This is demonstrated by the fact that the United States Constitution speaks of "treaties, alliances, or confederations" all in one breath. The alliance differs from the confederation only in the fact that it usually includes only two or three nations and boasts no central organ of government but accomplishes its ends by concurrent action by the individual allies as occasion demands.

An alliance is a combination of nations formed to promote mutual political interests. It may be a combination of two nations or of three or even more. It may be based merely on oral conversations between representatives of the nations concerned, of which minutes are kept as a matter of record. Or it may be based on a formal treaty. If there is a treaty, the alliance may be defined in very general terms, or the agreement may give in detail the forms of political and military action to be taken to carry out the alliance, which is much safer and more effective.

Purposes of an alliance. — As to purpose, the alliance may be formed for mutual defense only, or for the taking of offensive diplomatic or military action under given sets of circumstances which are defined in advance.

A study of the differences on these points among different alliances will tell us many things about the true character of the alliance. It will also reveal its place in the development of international government.

In the first place, the normal alliance is an arrangement for defense. Cynical observers seem to think that every alliance is, in reality, an offensive alliance, prepared to launch an

attack at some opportune time on a defenseless victim. This feeling can only be traced to prejudice or to distrust of all national policies, or to carelessness in studying the real situation. The fact of the matter is one of the most sincere and earnest aims of all nations has been to avoid war. It is also historically true that very few wars have begun by a deliberate and unprovoked attack by one power on another. Most wars have begun in great confusion of aims and purposes. Finally, an unbiassed study of history will show that the majority of alliances have been defensive in purpose and operation.

Thus we can say that, exclusive of special family alliances and the like, the object of the typical alliance is mutual defense against attack from an actual or possible mutual enemy. Sometimes, in a case where a nation must take the initiative in defending its national rights, the alliance may frequently appear to be offensive in operation. But the original cause of its formation has invariably been the fear of imperialistic conquest. In other words alliances have been formed to maintain what is known as "the balance of power."

What the "balance of power" means. — By the principle the "balance of power" we mean the principle that no nation should be permitted to secure such a dominating power among the nations as to endanger the liberty of any one of them. To prevent this, every effort is made to develop combinations of power among the other nations to offset such a threat from whatever nation it comes. A threat of imperial conquest by France would be met by coöperation between England and Germany. Likewise, a threat of conquest by Germany would be met by coöperation between England and France.

It should be remembered that this sort of action is not a rule of international law forbidding all conquest of territory. Nor is it merely an item in the foreign policy of any one nation,

although it has been supported by Great Britain more persistently than by any other power. It is first of all a statement of the way nations have usually acted. They do and will combine to defeat the aggressor. It is, finally, a principle that, for the welfare of the world, the nations should thus combine to accomplish this end.

Forms of the balance of power. — The actual operation of this principle of the balance of power may take one of several forms which vary considerably in their value. Let us examine these forms of the balance.

The simplest form of balance is found where one nation tries to set itself up to balance a nearly equal nation, for example, France against Germany. This is a delicate kind of balance, a sort of a see-saw. It often leads to bitter competition between the two nations concerned. If one nation builds ten new warships, the second nation will do the same, and so on. If one nation secures an alliance with a neighbor, then the second tries to secure alliance for itself. Thus, though better than no balance at all, it is a costly form to secure and maintain.

Some improvement is obtained when a third state, not permanently allied to either of two rival powers, holds the balance between them. This third nation may exert a moderating influence on the rivals and stabilize the situation by intelligent action. The rivals will naturally be tempted to seek the favor of the third party. The latter may abuse its position and play one rival against the other to its own advantage. Thus this form of balance, while superior to the first, is not wholly satisfactory either. It is, however, the most familiar form and it seems to fit its name peculiarly well.

The most desirable form of balance is found when three or more states are placed in a condition of equilibrium with no

exclusive alliances one with another. The mechanical arrangement suggests an equilateral triangle or polygon. There is greater stability and likewise greater flexibility in this arrangement than in either of the other forms. Because there are already more members in the arrangement, new members can still be added without destroying the balance of the existing arrangement. Changes can be made as time makes changes necessary without disaster. Thus a general condition of equality and balance is maintained superior to that attained in any other way.

The alliance described earlier in this chapter does not give way to the balance or concert at once. It may be used to help a nation balance the expanding power of its neighbor. Or, in the second form of balance, the equilibrium may be established between two pairs of allies. Even the general arrangement, described last, may include several pairs of allies, although, as we shall see later, this may be detrimental to its successful operation.

Criticism of the balance of power. — Objections have been raised against the idea of the balance of power. It is claimed that this principle actually leads to wars instead of preventing wars. Even if it does not lead to wars some argue that it causes the formation of many artificial alliances and counter-alliances, that it produces intrigue, secrecy, a fierce competition for national power, and attempts to stifle the natural growth of neighboring states. Finally, it is said that this idea causes armament rivalries and that the race in armaments is the worst menace to peace among the nations.

To these criticisms a clear reply should be made. Many of the undoubtedly evil actions which have been employed, such as the worst forms of intrigue, to uphold the balance of power could be dispensed with and the idea of the balance itself pre-

served. So we should not blame the principle for the use of wrong methods. Certain other acts, such as the formation of alliances and counter-alliances, may be objectionable. But they are preferable to imperial conquest. Finally and most important of all, it should be remembered that not peace, but the preservation of national independence, is the object of the balance of power. As a rule the existence of a balance should make war look in advance like a very risky adventure and thereby should discourage military attacks. But it is always intended that the balance shall be maintained at the expense of, and sometimes by means of, war. It is not, therefore, entirely inaccurate to criticize the policy as likely to lead to war. But unless one believes in peace at any price such a criticism is beside the point. Of this aspect of the matter more will be said later.

History of alliances and the balance of power. — We can not here give a complete account of the history of alliances among the nations or of the maintenance of the balance of power. But we must have some idea of how these practices prepared the way for the situation as it stood in 1914 if we wish to understand what has happened since that time.

The principle of the balance was rediscovered for the modern world in sixteenth century Italy. From that time until 1815 the various nations of Europe were forced to combine against first one and then another would-be world conqueror. Great Britain and France joined hands against the Austrian Charles V in 1526 and against the Spaniard Philip II in 1595. France joined Protestant Germany against the Austrian Ferdinand II all during the next half-century. Great Britain joined in several alliances with the Dutch, Sweden, and Germany to check Louis XIV of France in the years 1667-1701. A century

later Great Britain joined Austria, Russia, and Germany to defeat Napoleon finally in 1815.

The "Holy Alliance."—At this point a significant step was taken which throws much light on the essential character of the principle of the balance. The allies of 1815 attempted during the succeeding years to perpetuate their position and more or less govern Europe as heirs of the victory won at Waterloo. A "Holy Alliance" was formed to preserve the situation attained by defeat of Napoleon in 1815.

In this movement two things are important. It should be clear, to begin with, that any attempt to perpetuate a victorious alliance into the period of peace violates the very ideal for which the alliance



METTERNICH (1773-1859)

As chief minister of Francis I of Austria, Metternich dictated the policies of the Holy Alliance. He was polished, cynical, and an unwavering opponent of representative government.

fought. The new alliance destroys the balance of power just as the enemy had attempted to do before being defeated, and sets up a new but hardly less objectionable domination. The temptation to take such action after a victory is great but the evil result is certain. The result will be a reaction among neutral nations against the victors which

denies them all credit for their previous services to world liberty and order. On the other hand, if the victorious allies will only begin by taking into partnership the defeated nation, regardless of previous sins, the establishment of a permanent general concert to guard the new condition will be made more practicable. The former evil-planning nation is kept where it can be watched yet is given every opportunity to check the victors in any abuse of their power. Such a plan has the further advantage of forsaking the old stages of alliance and balance and reaching the most beneficial stage of all — the “international concert.”

CONCERTS

What an international concert is. — By an international concert we mean a group of several nations not exactly in alliance one with another, but associated together more or less formally nevertheless, with the aim of watching over and to a certain extent regulating the course of international relations. While two nations may act “in concert,” as it is said, the name “concert” usually implies that more than two, and usually as many as five or more, are acting conjointly. Beyond this the numbers may increase to include the whole seventy nations of the world, although by that time another step would doubtless have been taken which would again alter the character of the concert. The nations united in a concert are commonly associated together by ties looser than those of an alliance, but the most important difference between the concert and the alliance is the character of the objects in view. The object of the alliance is military action in defense of national safety against imperial conquest; the object of the concert is mainly diplomatic action for the maintenance of general international peace and order.

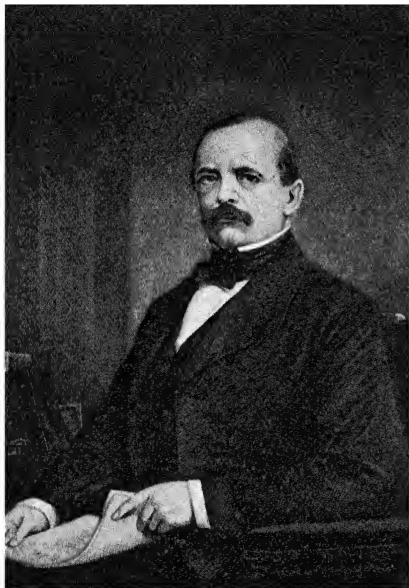
The Holy Alliance as an example. — The famous effort in this direction which was made in 1815 was called the Holy Alliance, the formation of which we have already noted. It is the fashion to criticize and condemn the Holy Alliance today, just as it is the practice to condemn the ideal of a balance of power. But it should be noted that the usual ground for condemning the former is the effort made by the Allies to suppress popular revolutionary movements in Europe and America, a program aimed at satisfying the selfish desires of the ruling monarchs, and a perversion of the main purpose of the Alliance itself. It is true that, although France was admitted to the Alliance eventually, the Allies did attempt to perpetuate their one-sided domination gained in 1815. But with respect to its purpose of protecting and conserving the peace and order of Europe little or no criticism could be made of the Alliance.

The Holy Alliance crumbled into inaction in 1825. The effort at suppressing popular revolution in the Italian principalities and Spanish colonies estranged a now increasingly liberal England, the most devoted protector of the principle of the balance of power and the ideal of national self-government which it supported. Finally the game had to be given up as hopeless.

The Concert of Europe. — Immediately there appeared another effort at establishing an international concert, made largely by the same states, but led now by Great Britain and France rather than by Russia and Austria, and called specifically the Concert of Europe.

Period from 1825 to 1850. — While the Concert was never organized as formally and as rigidly as the Holy Alliance had been, the years 1825-1850 saw much good work done by it. This work was done not in suppressing revolution but in preserving the balance of power in Europe while allowing Greece

to acquire freedom from Turkey, setting up Belgium as an independent nation, and supervising numerous other similar developments. This period marked the greatest success of the international concert prior to 1914.



BISMARCK (1815-1898)

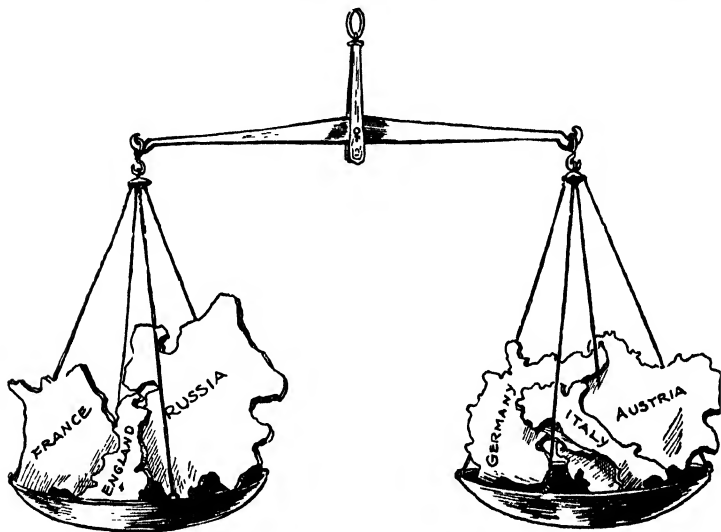
By his policy of "blood and iron" he defied the rest of Europe and formed the German Empire on a tradition of might.

Period from 1825-1850. — The outstanding development in Europe during the next half-century was the break-down of the concert and a reversion to a condition of mere balance. Germany rose to power in North Central Europe and the Concert could do nothing — in 1864, 1866, or 1870 — to stop her. Soon she strengthened herself in 1879 by an alliance with Austria, an alliance not purely defensive in tone. In 1882 Italy was added to this group of powers, which now absolutely dominated the Euro-

pean political scene. All that was left to other nations was to join in defense and this they did. In 1892 Russia and France formed an alliance which was followed in 1907 by those between France and Great Britain, and between Russia and Great Britain. Thus the see-saw began between the Triple Alliance composed of Germany, Austria, Italy, and the

Triple Entente made up of Great Britain, France, Russia. This see-saw led to war in 1914 and ended only after American troops took the offensive on the 18th of July, 1918, making possible the peace treaties of 1919 and 1920.

Attempt to reorganize the concert in 1919. — Again the problem of preserving the peace and order of Europe was raised



THE BALANCE OF POWER

The Triple Alliance and the Triple Entente.

and again the victorious allies were inclined to attempt this task without including in their concert the defeated nation or nations. And again this action has led to distrust of the victors by the neutral nations and finally an effort to secure the entrance of Germany into the League of Nations. All of this carries us too far forward for our present purpose, however, and raises the question of the formation of the League itself. Before taking up that topic there remain several

further problems connected with the growth of the Concert prior to 1914.

Developments leading to World Concert. — The failure of the Concert of Europe to function effectively in the decades after 1850 did not lead to a complete abandonment of all efforts to reconstitute and operate this organ of international supervision. As late as 1906-1907 and even as late as 1913 efforts of this sort were made. But two notable facts had made their appearance in the composition and action of the concert which altered its character profoundly.

United States and Japan. — The Concert of Europe had expanded until the United States was included from the Western Hemisphere and Japan from the Far East. In other words the European concert had become a world concert, partly by the extension of the interests of European nations to other continents in colonial activities, and partly by the rise to world power of the United States and Japan. The effect which such an expansion must have on the operation of the concert must be profound.

Connection with international organization. — In addition to this there developed a tendency to tie up the political concert of the nations with more stable institutions of international organization, such as courts of arbitration and formal conferences on legal or governmental affairs. Thus the Hague Conference of 1899 seemed to be not only a scientific meeting for the adoption of rules relating to international law but also a political gathering like the Concert of Europe of earlier decades. This joining of the two ideas was of great importance. It meant the union of the two greatest forces making for world order — the political concert on one side and legal or administrative international organization on the other. If it had not been for the fundamental division of the powers

of Europe into two camps by their previous alliances, as already noted, great progress might have been made from 1899 onward.

Alliances and balance within the concert. — It must not be inferred that the appearance and development of the international concert necessarily has the effect of wiping out all alliances and the condition of a balance of power. Nor need the persistence of these activities injure the concert if the parties involved remain faithful to the latter ideal in all their activities. The formation of the concert rests upon conditions of common interest which are broad enough to embrace several states, general interests such as the preservation of peace and justice. But certain groups of states may by reason of geographical proximity or common religious or political connections have closer bonds of interest which they are willing to protect by special joint action. Similarly there may be differences of policy among the nations in concert either upon the fundamentals of the concert itself, differences respecting the application of these fundamental principles or their interpretation, or differences on matters not determined by the agreement for concert. In these cases both alliances and a balance of power may emerge, and, indeed, are almost certain to emerge within the general association of nations. The association should attempt to eliminate any alliances or rivalries hostile to the general welfare of the general concert, of course. But until all nations become similar in interests, and the scope of international action universal, this condition is bound to persist.

Value of these institutions. — In conclusion let it be admitted that the much maligned institution of the alliance and the much maligned principle of the balance of power are in themselves incomplete as foundations of world order and, because incomplete, dangerous. But they do lead directly to the more

mature form of international coöperation, the political concert. This institution is substantially a loose international federation. It can be tied up with the formal international union as organized in conferences of the type of the Hague Conference. It can be made the dynamic motor of the machinery of courts and bureaus and world legislative bodies which need its force and power to accomplish their own best results.

DEFINITIONS

Alliance: agreement of two or more states for mutual coöperation by diplomatic or military action.

Balance of power: the principle that the nations should coöperate to prevent any one nation from securing such a dominant position as to endanger the liberties of other nations.

International concert: a loose association of nations for general supervision of the course of international relations.

STUDY HELPS

A QUESTIONS FOR DISCUSSION

1. What is an alliance?
2. What is the object of a typical alliance?
3. Explain the meaning of "balance of power."
4. What is the simplest form of "balance"?
5. What is the most desirable form of "balance"?
6. What objections have been raised to the principle of "balance of power" and what replies can be made to these objections?
7. Give instances in history of the application of the principle of "balance of power."
8. How did the Allies in 1815 attempt to perpetuate their position?
9. What do we mean by an international concert?
10. Why did the Holy Alliance die?
11. To what do alliances and the principle of the "balance of power" lead?

B. PROJECTS FOR INVESTIGATION

1. In the World War why was the United States spoken of as an "associated" power and not an "allied" power?
2. Justify the statements that most wars have begun in a confusion of aims and causes.
3. It is said by some that preparation for war leads to war. Defend or contradict this statement.
4. Read the story of the Holy Alliance in a history of Modern Europe.
5. What types of statesmen were prominent in the formation of the Holy Alliance?

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CHAPTER X

ENFORCEMENT OF INTERNATIONAL AUTHORITY

How can the decisions of international courts be enforced?

When may a nation intervene in the affairs of another?

Can international agreement bring about respect for law among the nations?

What difficulties must be met in the enforcement of international decisions?

Statement of the problem. We closed our study of the activities of alliances and federations just before reaching the most difficult problem connected with those institutions. This is the problem of the enforcement of the rules and decisions made by the interstate or international governmental bodies. To this problem we now turn as a preliminary to our study of the problem of peace, which is itself largely a problem of enforcement of international authority.

The question of enforcement arises first in connection with the simple task of securing obedience to the ordinary rules of common international law. That problem was discussed in Chapter V and it was pointed out that, as things stand now, each nation is left to choose its own way of getting satisfaction when it considers that its legal rights have been injured. We learned that the nation may make a diplomatic protest, or demand arbitration according to treaty agreement, or resort to reprisals or even to war. This method of enforcement by the injured nation itself, technically called "self-help," is the first form of enforcement found in the elementary stages

of all legal or governmental systems. Inasmuch as international law and government is still in the elementary stage, just as Roman law was about 400 B.C. or English Law at about 1100 A.D., this method is still tolerated among the nations. We all know that this method is not allowed in the legal system of a modern nation. That is, an individual who is injured by another in our cities and states is not allowed to seek satisfaction personally except in certain cases, as when he may defend himself against attack or robbery. In all ordinary cases, the community will enforce the law and see that the injured party gets satisfaction.

A beginning has been made in the establishment of community enforcement of international law in a few cases. We may find out about these cases by a study of "intervention" and "treaties of guarantee." These subjects will lead us back to our problem of international federation and the preservation of peace.

Intervention. — "Intervention" means the action of one or more nations in interfering in the affairs, either domestic or foreign, of another nation, such as tariff duties or the protection of aliens, respectively. It usually consists of a diplomatic demand backed up by the use of force or a threat of force. It is this combination of diplomatic demand and use of force which gives to intervention its special character in international relations. Now this kind of action cannot be legally justified on general grounds because the intervening nation has no general legal right to regulate the affairs of another nation. It must be justified, therefore, on specific grounds, usually grounds peculiar to each individual case.

By treaty agreement. — The simplest ground on which intervention may be justified is that of treaty agreement. Two nations may agree that either may have the right to intervene

with the other under certain circumstances. The United States has a right under the treaty of 1903 with Cuba to intervene in that country under certain circumstances clearly named in that agreement. In this case the ordinary objection to such action is voluntarily removed and nothing further is needed to justify it.

To protect legal rights. — Where no such agreement exists intervention may possibly be justified on the ground that it is necessary to protect the legal rights of the intervening nation. Sometimes there is no diplomatic or governmental method available to protect these rights or interests and forcible action is the only possible method of redress. This action may take the form of reprisals if the nation is trying to get satisfaction for injuries by the other nation. It may amount to war if the intervening nation wishes to go that far, or if the other nation responds to the intervention by making war itself. If this happens the action of intervention loses its peculiar form and becomes general war.

To defend vital interests. — Where not legally recognized rights but vital interests of the nation are at stake, the situation is much the same. The most important vital interest for the protection of which a nation may resort to intervention is that of self-defense to prevent invasion of its territory or loss of life or property by its people. In such cases it is held that there must be an immediate danger, and that it must be of such a nature that it cannot be met by any other means. Great Britain intervened in territory of the United States in 1838 to prevent an attack on Canada by persons taking refuge on the American side of the Niagara River, and succeeded in justifying to our Government its action on these grounds.

On humanitarian grounds. — Attempts have been made to justify intervention on humanitarian grounds, such as to stop

persecutions, and also to enforce international law for the protection of a third state. But so long as the welfare of racial or religious minorities is not regulated by international law or treaty agreements there is really no ground for action in the former case. And as for the latter case we must say that each state must defend its own rights under international law until some system of community enforcement is actually organized.

Joint intervention. — When intervention is practiced not by one nation alone but by two or more nations it gains considerably in prestige, if not in legal standing. The danger of abuse is somewhat checked by the presence and participation of several nations. In fact, joint intervention may well be undertaken even on humanitarian grounds or for upholding international law and order with good moral justification, although it remains not altogether legal. There was a tendency in Europe in the course of the nineteenth century to justify joint intervention for the maintenance of peace even though it was never quite recognized as entirely legal. The Great Powers repeatedly intervened in Turkish affairs between 1820 and 1860 for these purposes, and in general their actions were approved by competent students of such problems. This tendency indicated an important change in the whole idea of international authority.

Treaties of guarantee. — The only means by which such joint intervention can be given full legal status is by treaty agreement. The simplest form of such an agreement is the so-called "treaty of guarantee."

Treaties of guarantee are very old in the history of diplomacy. From earliest times nations have recognized that other nations had certain rights, such as the right to their territory, which should be respected by themselves and protected against infraction by others. For example, the United States in 1847

guaranteed to Colombia the possession of certain territories. In older days revenues and family privileges were guaranteed to certain nations by other nations. The guaranteeing nation has in such cases the right to intervene to uphold the right guaranteed, and naturally the nation whose rights are guaranteed is glad to have the other nation act in this way.

Of course several nations may join to guarantee the rights or the territory of another nation or they may guarantee one to another their mutual possessions. England and Austria and France guaranteed the territory of Turkey by a treaty signed on April 15, 1856. This kind of a treaty puts the guarantee on a very high plane because it means that several signers are parties to the agreement and all have a right to act against all others to uphold the guarantee. Legally, the signers have no right to intervene against a nation that has not signed the agreement. They may so act, however, in case of need with a very salutary effect. To be of maximum effect such a treaty ought to be signed by all the nations who are members of the international community.

Problems in carrying out treaties of guarantee. — There are two special difficulties in the operation of treaties of guarantee. A discussion of these will lead to the final problems in the development of international enforcement and the preservation of peace and order in the world.

Preservation of the status quo. — In the first place, the treaty of guarantee appears to attempt that impossible task, the preservation of the "status quo" which means the condition which exists at the time of the signing of the treaty. If there is one thing certain in the uncertain world of international relations, it is that changes in the existing state-system are bound to occur. Nations rise and fall, empires wax and wane, and boundary lines do not remain and cannot be made

to remain fixed through all time. It seems, therefore, that an attempt to perpetuate by guarantee the existing condition of affairs is bound to meet defeat. One answer to this problem is that the nations guaranteeing a certain status have the right at any time to consent to change the existing status. All that is forbidden is the effort to change existing arrangements by force. When several nations are concerned the machinery for revision is more flexible than when only two nations are concerned, for conference must be the usual procedure of such a system in its early stages of action. This converts the arrangement from one of mere guarantee to something more useful all around, a system of continuing regulation and revision.

Obtaining action under the treaty. — The second difficulty with the treaty of guarantee is the difficulty of obtaining action when the circumstances mentioned in the treaty arise. This is partly due merely to the difficulties of exact interpretation of any treaty. It is due in a more fundamental way to the fact that action under the treaty actually depends, when the time for action arrives, upon the willingness to act of the nations who signed the treaty. No matter how definitely a treaty of guarantee is drawn there will always be room to contend that the guaranteeing nation is not required to act under the exact circumstances which have arisen. The delay may be fatal to the success of the arrangement. Failure of the signers to act promptly in 1914 under the guarantee of Belgian territory signed in 1831 was nearly disastrous for Belgium. The result is a situation where all parties seem to act not so much on the basis of the treaty itself as on the basis of their rights and interests as they see them at the time. This means that the guarantee might almost as well not exist at all. Now the only remedy for this difficulty is to provide

arrangements for action which will be as automatic as possible. It would be better still to provide for a conference immediately upon the appearance of an emergency. The best thing of all would be to set up such a universally accepted guarantee that there are no nations left outside which would be interested



Photo from Press Illustrating Service

GENERAL VIEW OF BRUSSELS, BELGIUM

Brussels, as well as most of Belgium, was occupied and held by the Germans during the World War. If it had been certain that all of the signers of the guarantee of 1831 would stand by their signatures, war might have been avoided.

in upsetting the guarantee. These steps carry us directly into the present problem of securing by general international agreement respect for law and order in the world of nations.

The universal guarantee; steps to attainment. — In other words, the next step in this development would be for each member of a general international federation to guarantee to

all others their rights under international law. These would include the rights of territorial integrity and political independence, the possession of the national territory and power of self-government. This would involve several additional steps, made necessary by difficulties which would be met in carrying out such an arrangement. It would lead to a complete revision of the whole theory of international law and government now in force.

Overcoming of present irresponsible spirit. — The first step would be to overcome the present irresponsible spirit among the nations. Each nation for itself and the devil take the hindmost still seems to be a common attitude in international relations. Any obligation to serve humanity as a whole by helping fellow nations, sometimes at the expense of life and treasure, is rather generally refused. Even apart from such social obligations, which are hard to prove, the nations do not in fact see how much their rights and interests are interlocked. The enforcement of international law is of interest to every nation in any case where that law is questioned, but that is not generally appreciated today. Bringing the nations to perceive their unity of interest in this manner must be the first step in securing community enforcement of international law.

Definition of rights. — The second step necessary is the definition of the rights of nations. International law is, indeed, more complete and more definite than many of its critics admit. But it still fails to cover several important fields of international relations. It is unsatisfactorily general or vague and open to varying interpretation at many points. Two things are needed here — standardization or codification of the law as it exists, and extension of the law by treaty agreements to new fields. For the ordinary cases of voluntary

arbitration or settlement by international courts this is not so necessary because the courts can, with some effort of interpretation, use the law that exists and because nations do not submit cases to judicial settlement where no law exists to cover the matters in dispute. However, if an attempt were made to compel the settlement of all disputes by law it would be found that the present law is not adequate. Codification and extension of international law are very necessary steps in the future development of international government.

Provision for revision of existing arrangements. — The third step necessary is to make provision for making and ratifying changes in the status quo as time goes on. It is hard enough to secure any action by the nations designed to protect others under general law. It is doubly hard to secure the admission that it may be necessary at times for the nations themselves to surrender territory or other privileges in view of the changes brought about by national growth or decay. Compensation of one kind or another is sure to be demanded in all such cases. Discussion and agreement are the only methods adequate for handling the problem. Nations must realize that treaties will have to be revised and even rules of international law changed as time creates new conditions. They must provide means for making such changes.

Provision for settlement of disputes. — The fourth step must be to provide for applying the rules of law to concrete cases and for settling disputes to which no rules of law apply. An agreement for the arbitration of all justiciable disputes, that is, all disputes which can be settled by a court under rules of law, and for the submission of all other disputes to investigation and recommendation would serve the purpose. These things would require the establishment and maintenance of an international court enjoying the confidence of all nations, and of a

council of conciliation of the same merit. Even then it would be difficult to obtain from all nations agreements to submit their cases to the court or the council. It would also be necessary to provide that the awards of the court on one hand and the decisions of the council in the other cases should be accepted when made. Thus there would be possible occasions for the use of force both to compel submission of a case and to compel the acceptance of the award.

Organization of international enforcement. — This leads to the fifth and greatest difficulty. This is the difficulty of organizing the use of force under such an arrangement, which is, of course, the heart of the whole matter.

One difficulty in this connection has already been mentioned, namely, the difficulty of getting prompt action under any such arrangement. This difficulty might be tolerated in the operation of ordinary treaties of guarantee, relying on various other things that might be done with some success. It could never be tolerated in a system designed to provide an infallible enforcement of international law and order for all nations at all times.

1. By an international police force. — There can be little doubt that the only entirely reliable solution for this difficulty would be the creation of an international police force to be used by the executive officers of the international concert or league to enforce rules of law and decisions of the court or council, such as was suggested at one time by President Theodore Roosevelt. It would not be possible to depend on economic, diplomatic, or military action by individual members of the league for enforcement purposes. There are too many difficulties of interpretation and too many tendencies to make national action depend on national interest or the action of another nation to make this kind of enforcement at all satis-

factory. The more we consider it, the more defects we find in it.

The proposal for the creation of an international police force, on the other hand, is so radical as to seem out of the question, entirely apart from practical difficulties. To take such action would be, in very truth, to create a super-state with authority over the member-states. The very idea is resented and opposed by most people and most governments. Such a step, it is felt, would amount to the last surrender of national sovereignty and independence.

There is no doubt that these interpretations of the situation, as it would exist, are accurate. Two things need to be said on the other side, however. In the first place, we are today brought much nearer to the super-state in many of the common arrangements of international affairs than we realize. The international community today makes rules of international law which bind all its members. Nations are bound by rules in the making of which they have taken no active part. Furthermore, all of the members of the international community have the right to take up arms to enforce this rule upon an offending nation. In principle, then, we have the super-state or at least the super-community today. What really makes nations object to an international police force is that they are afraid it might be effective, whereas individual national enforcement is pathetically ineffective. When the practical need for such a police force comes in time to balance these practical objections, it will not be rejected on grounds of pure theory.

The final difficulty in the creation of an international police force is the difficulty of procedure. Shall such a force be made up of individuals owing allegiance to no state but only to the league? How or where are such individuals to be recruited?

On the other hand, if persons who are citizens of the various states are sworn to military service under the league can they be relied upon to be loyal to the league, especially the officers? How should such a force be trained or the differences in their early training reconciled? What of equipment? Is it to be manufactured by the league, or, if not, purchased entirely in one country against the opposition of all others, or in several countries with the result of producing a great jumble of supplies? What of a navy, of fortresses, and so on? And how large must such a force be made in order to cope with the most powerful law-breaking nation? The difficulties seem to be insurmountable for many years to come, until league citizenship, league training, league equipment, and so on, are themselves possibilities.

Such an international force might, on the other hand, be made up of force supplied by the different nations. These forces might be trained and officered and equipped by each nation and then placed at the disposal of the league. Nearly as many difficulties arise in this method as in the other, however. The size of the national forces must be determined by the capacity of different nations to furnish troops. Any other standard would be impossible to calculate. For instance, the smallest nations would usually receive the greatest benefits by such a system of guarantees, but we could not figure the relative size of the forces on this basis. Contributions measured by ability to contribute, however, would produce a force made up almost entirely of troops from five or six great powers, who would then absolutely dominate the league and the smaller nations. Finally, an army made up in this way would probably feel very little loyalty for the league itself, as each contingent would regard itself primarily as representing its own nation.

2. By cooperative action. — These difficulties seem to throw us back to the weakest form of action, namely, concurrent or coöperative action of member nations for enforcing international law or league decisions. The difficulties in this direction also are many. We still have to face the question of how large shall be the contingent of each nation. How shall we remove the resentment sure to be felt at having national troops called out by an international authority? There are unlimited opportunities for delay and for disagreement. The nations are very unequal in power and have different interests in the preservation of the *status quo* and the enforcement of law. The great nations prefer to take care of themselves. The small nations seem to be in a hopeless position in any event. The idea of whole-hearted general coöperation in such action is almost fantastic. To have such nations as Great Britain, France, Haiti, and Siam sign as equals a general protocol for the general enforcement of international law and order is almost meaningless for practical results.

The fact of the matter is that to provide for any form of international enforcement of international law and governmental decisions is an almost impossible task at the present time. National enforcement and national self-protection is inadequate and unsatisfactory, as is admitted on all hands. But the solidarity of interest and feeling necessary to form the bases of arrangements for international enforcement are lacking. The predominance of a few great powers and the backwardness of so many others are probably the two most important causes producing this situation. Perhaps the way out is to be found therein. If the great powers could unite to uphold law and order among themselves, the remaining nations might be relied on to keep the peace. The great powers might even assume control over the international situation in general

with or without the formal consent of the smaller nations, much as did the Concert of Europe in other days. If Britain, France, Germany, Japan, and the United States could unite to enforce international law and order they probably could secure the acquiescence and coöperation of all other powers. Even then the difficulties of procedure would remain to be dealt with unless the nations are ready for much more radical action than now appears to be the case. International enforcement seems an improbable achievement for a good many years to come, and voluntary international cooperation, by which, of course, more may be accomplished than was once supposed possible, is left as our main resource for progress and welfare in international relations.

DEFINITIONS

Intervention: action upon the part of one or more states, by diplomatic demand, supported by force or threat of force, to compel another state to take certain action in its domestic or foreign affairs

Treaty of guarantee: an agreement between two or more states by which the territorial possessions or other rights of one of these states or of another state are promised respect and protection by the signatory powers.

Status quo: the existing situation with respect to boundaries and territorial possessions.

International police force: a body of troops and naval forces maintained by the community of nations

STUDY HELPS

A. QUESTIONS FOR DISCUSSION

1. In what ways may a nation seek satisfaction when it considers that its rights have been injured?
2. How does this differ from the method employed by an individual whose rights are injured by another?
3. Why are boundaries of nations likely to change?

4. What are the two special difficulties connected with a "treaty of guarantee"?
5. What five steps are cited in the text as necessary for bringing about a universally accepted guarantee?
6. What necessary steps must be taken before there can be a general international guarantee?
7. Why is it necessary to consider the use of force as one method of securing obedience to an international guarantee?
8. How might economic measures be employed to compel obedience?
9. What are the difficulties included in the creation of an international police force?

B. PROJECTS FOR INVESTIGATION

1. Why did the United States "intervene" in Mexico in 1915? Did the United States have a legal ground for such action?
2. What caused the Spanish-American War of 1898?
3. What nations guaranteed the neutrality of Belgium in 1831? What argument did Germany use for violating this neutrality?
4. Find instances where one nation has intervened in the affairs of another.

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CHAPTER XI

THE PROBLEM OF PEACE

What is the true nature of peace?

How can peace be secured?

What is meant by the "outlawry of war"?

What are the prospects of success for the peace movement?

The preceding discussion of the problems involved in the enforcement of international authority brings us to a consideration of the problem of securing peace among the nations of the world. We may be certain of one thing: war will come to an end among nations, as it has, in the main, among people in individual nations, only when the nations realize that, by war, both sides stand to lose more than either side can possibly gain. This is fast becoming true as a matter of fact, and there is evidence that the nations are coming to perceive these facts. There is more real desire for peace among the governments of the world today than there ever was before. It is not evident, however, that the nations understand the steps that must be taken to establish peace. But until those decisive steps — the creation of an effective international organization and the enforcement of international authority — are taken, the ultimate attainment of peace is uncertain. Let us examine the efforts that have been made to obtain a lasting peace and see why any course other than this would be inadequate.

Nature of peace. — We need first, to understand what peace is. Ignorance of, and neglect to adopt, methods in accordance with the true nature of peace have greatly injured the peace movement in the past.

Peace may be defined as the condition where military action by one nation against another has been eliminated and where international law and order are enforced by international



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RUINS AT FLEURY, FRANCE

Hundreds of villages in France were left in ruins by the World War.

authority. For a time it may be necessary to enforce international law and order by common international military action, but this must be reduced as far as humanly possible by the growth of voluntary respect for such law and order.

It is not sufficient to insist merely on the abolition of war

between nations, leaving an international league to take action against an offending nation as frequently and as fully as seems desirable. Legally this might be more justifiable than war between individual nations. But the objections to war between nations apply also to war between an international league and rebellious states. Loss of life, destruction of property, and the economic and moral evils of war would still be encountered.

Now the kind of peace described above is a very desirable thing. Yet in a way it is a negative condition. Peace, as thus defined, is the absence of war. What we must try to do is to find out whether there are positive steps which will bring more good to the human race than mere peace and at the same time eliminate the causes for conflict. In other words, we do not seek the peace of the graveyard. A hermit lives in peace, but for most people his kind of life would bring no satisfactions. Two neighboring families may live in peace, yet never speak to one another. A peace of inactivity will not meet the needs of the modern world. International competition in art and science, in trade and industry, or in athletics—all these are desirable if conducted in a just and sportsmanlike manner.

Nor do we necessarily seek to abolish all military forces within individual nations. The nations must be free to maintain order within their own boundaries and to suppress piracy. Of course, the use of this force is a part of the police power of the nation and its use, in emergencies, for this purpose, is an entirely different thing from its use in war.

Finally, we cannot assert that we must attain peace at any price. There may be calamities worse than the calamity of war, great as that may be. There may be a price too high to pay for a peace of submission and imperial domination. Rome kept the peace of the Mediterranean area for centuries, but no

nation thinks of obtaining peace today by submitting to such domination. Belgium could have purchased peace in 1914 by abject submission to German demands but she preferred war at such a cost.

Since these things are true, the problem of peace becomes more complicated and more interesting even if somewhat more difficult of solution. We see that we are face to face with a vital problem of political engineering.

Relation of peace to international problems in general. — The search for peace, therefore, cannot be separated from other aspects of international relations. It is extremely doubtful if peace can be obtained if sought for itself alone. It is to be sought as one of the results of definitely established arrangements and conditions designed to produce international coöperation and justice. Coöperation and justice will themselves lead to a peaceful state of affairs, and without them peace is not possible no matter how hard it is sought. International organization aims to promote the welfare of the world community in a positive way. It proposes to establish arrangements and conditions to promote international activities which are of service to the whole world. It attempts to work out means to eliminate the economic and social causes of conflict. To turn to the establishment of such a program is to substitute an affirmative, constructive, practical program for the negative attitude of the past.

In view of this understanding of what peace is and how it may be attained, let us turn to the various forms of the present-day peace movement, weighing their advantages and their weaknesses.

Modern peace movement. — *Peace by education.* — There are many students of the peace problem who approach the question from the side of human nature. They see war as the



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THE "CHRIST OF THE ANDES"

Erected in 1904 by Argentine and Chile to commemorate the arbitration of three-quarters of a century of boundary disputes.

product of ignorance, superstition, greed, fear, hate, and other faulty human conditions and emotions. They, therefore, cry out that the fault is in the hearts of men and that if we would cure the world of war we must cure men of being warlike. "Unless ye have peace within you there will be no peace," they say. Hence they believe that education to inform men, to quiet their passions, to develop their sense of coöperative sympathy, is the only path to peace. We must educate the people to desire peace before we can attain that goal.

No lover of humanity could do otherwise than hope for good results from such an effort. In fact we know that the desire for peace is a very powerful factor in the entire program. But the student of international relations feels that this effort alone is not sufficient for attaining peace.

For one thing it would take too long. To change the hearts of men on this matter, in the face of all competing influences, and even with the best opportunity afforded by a long peace after a World War, would take a generation or more. Meanwhile, after the memories of the last conflict die, the calamity may descend on us again long before the race of man is converted to the life of peace. War might thus come again and wreck the very educational process in which we are engaged before it has had time to attain its goal. To bring about a more rapid conversion would make necessary the use of hysterical methods and the use of an exaggerated treatment of the issue of war and peace which, in the end, would cause a reaction against peace.

Furthermore, even though we could succeed in producing in men the will to peace, there would still be need for much machinery to settle disputes arising from misunderstandings and because of the limited nature of the resources of the earth. If we were all angels we should still need an executive com-

mittee. We should remember that even within a nation, where some devotion to peace and order exists, many governmental arrangements are needed to regulate our common affairs, and we still maintain a police force. A desire for peace among the nations would not be enough to protect the peace, even if that desire could be attained.

Peace by disarmament. — Others seek peace by disarmament. They despair of producing a peace-loving attitude on the part of the nations. They say, in substance, that, nations being what they are, they will always wish to fight, and that they will fight as long as we leave them any weapons with which to fight. Hence the only way to keep them from fighting is to take away their guns. Peace can only be attained and war abolished by physical disarmament.

Now there is no doubt that complete and effective disarmament would preserve peace as nothing else would. It would be the one absolute cure for war. The idea that nations might still fight with clubs or stones or axes is fantastic. Complete disarmament would mean complete disappearance of war as we know it.

It need hardly be pointed out that such an achievement is impossible. No nation is going to disarm completely in view of the danger of insurrection and disorder within its own boundaries alone, disregarding for the moment any danger from without. And no maritime nation is going to dispense with the means of combating pirates, of whom some still remain on the seas of the world, in defense of its merchant shipping. Hence partial disarmament is all that can be hoped for in any case.

This also means that any action by way of disarmament must be simultaneous action taken by all nations by agreement. The nation most likely to use its arms for evil purposes

is precisely the one least likely to begin to disarm. Hence the peaceful nation would be most unsafe in disarming alone, and would be simply turning the world over to the mercy of the militaristic power. The idea that it only needs the example of one nation to lead the way in discarding its guns and battleships involves many dangerous errors.

Finally the nations will not agree to disarm unless some other means of protection is put in the place of their own armies and navies. The best will-to-peace in the world will not lead a nation to give up its arms unless it is assured that its principal rights and interests will be protected by the international community in case of need. It is here that the problem of peace connects with the problem of community enforcement, just discussed. If a nation desires conquest, or does not have a strong desire for peace, it will refuse to disarm unless such action seems more profitable than the probable consequences of not disarming. Agreements to disarm must be obtained in exchange for guarantees, or else be induced by means of pressure from other nations.

Peace by international guarantee and enforcement. — The unescapable conclusion is that peace must be sought by the provision of guarantees for the protection of national rights by the international community and by the establishment of international authority for use in the task of repressing the nation inclined to break the peace of the world. The establishment and maintenance of peace leads directly back into the general problem of international organization and government as a whole and more particularly to the problem of international enforcement as discussed in a preceding chapter. Peace can be had only by the organization and operation of an international governmental system for the definition and enforcement of international rights such as will render unnecessary

the self-help of individual nations with which we are familiar at the present time.

Again let it be remembered just what this involves. It involves the creation and maintenance of a world court to decide all those international disputes which are of such a character that they can be decided by a court of law. It involves the drafting of a code of law, the codification of existing law with legislative additions where necessary, for use by the court. It implies an agreement by the nations to submit all justiciable cases to the court and to abide by the awards. It involves the creation of an executive council to act as a council of conciliation and thus deal with disputes not capable of being settled by law, and an agreement by the nations to submit all such non-justiciable cases to council action. It involves the operation of a legislative body capable of revising the code of law and laying down principles to be followed by court and council in settling international disputes. Finally it involves the establishment of some machinery of enforcement, either a unified league army, a federalistic league army, or a system of inter-member collaboration at the call of the league. The omission of any one of these steps or cogs in the international governmental machine may wreck the prospect of peace. If one or all of them are too radical to be taken now, we cannot yet be sure of attaining peace among the nations.

Outlawry of war. — In discussions of the peace problem in recent years there has been some talk of a step which is commonly referred to as the "outlawry of war." Such a proposal deserves consideration at this point.

By outlawing war must be meant, primarily, to withdraw from war the legal standing which it now has. International law, as we have seen, now authorizes a nation to go to war in

defense of what it considers its rights or vital interests. Such authority would be withdrawn.

This would not be sufficient by itself. The nations of the world stand in a peculiar relation one to another. It must be admitted that each is free to act as it will in relation to the other nations unless some specific action is forbidden. It is not so much that war is authorized by international law. The important thing is that it is not forbidden. So long as it is not forbidden, any nation may have recourse to arms when it feels compelled so to act. Hence outlawry of war would have to be accomplished by actually prohibiting recourse to arms either absolutely or under certain conditions.

The moment any action such as prohibiting recourse to arms is considered, however, we begin to encounter difficulties. Attempting to meet those difficulties is one of the best means of understanding the problem of peace.

To begin with, such a prohibition could not be absolute. To forbid recourse by a nation to force under any and all conditions would be to attempt to go farther here than we have gone or dare attempt to go among individuals in the nation. A man may legally kill in self-defense in our most orderly society. Under certain circumstances national recourse to arms must seem to be righteous and just from every point of view.

On the other hand, if force may be used in certain circumstances but not in others a difficult and delicate task is imposed upon us — the task of defining when war may be waged and when not. For the making of such a definition of permissible war the most careful study and discussion could not be too thorough. The old task of discovering just causes for war would be upon us again in renewed seriousness.

In making such a distinction between just and unjust war

we might well employ the simplest possible test. All aggressive war might be forbidden, or all war not waged in defense of injured rights. It might be felt that no nation could well be forbidden to do what it could to defend its rights, while no nation could seriously complain at being forbidden to make war if it were not acting within its rights.

If such a test should be adopted the next task would be to define aggressive war or aggressive war-making in the special sense here intended. At this point it would be found useful to return to the machinery for dealing with international disputes just mentioned. We could then argue that a nation would be guilty of making aggressive war if it did not submit its disputes either to a court or a council for judicial or conciliar treatment, or refused to accept the judgments or recommendations of these bodies when made. Many other phases of this matter would call for treatment but at least these steps would have to be taken at the very start.

Furthermore, it should be remembered that there is no institution above the nations themselves with power to outlaw war. In other words, war if it is to be outlawed at all must be outlawed by agreement, by a general treaty or convention drafted in a general international conference. This means two things. It means, first, that the conditions under which it is proposed to outlaw war or prohibit recourse to force must appeal to the nations as satisfactory before they will agree to any such action. No absolute prohibition of war would ever be accepted by the nations today. Outlawry of war in any such extreme sense as that is an impossibly radical proposal. And the conditions of outlawry must be made to appear reasonable to the nations if they are to accept even this degree of restriction on their power to make war.

It means in the second place, therefore, that the nations

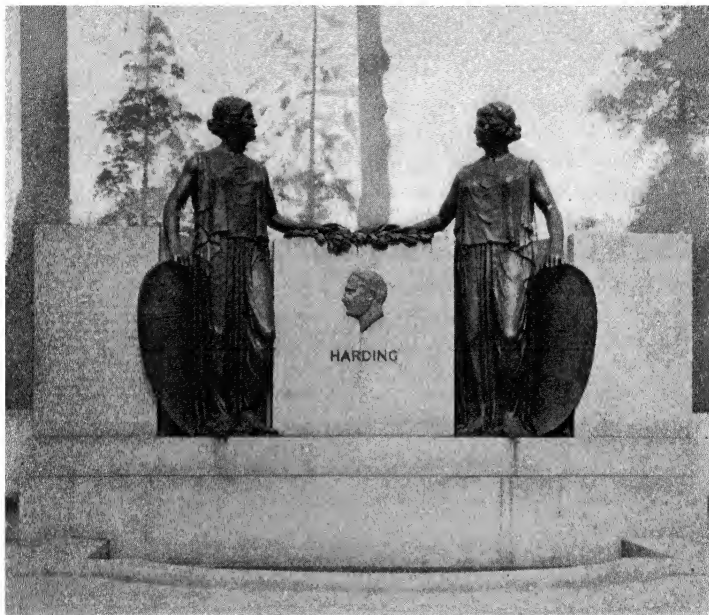
must be induced to accept conditional outlawry of war, as they must be induced to accept partial disarmament, by offers of protection for their rights. Disarmament is the physical attack on the physical side of war; it must be bought by providing a physical substitute in community physical protection. Outlawry of war is a legal attack on the legal side of war; it must be bought by providing a legal substitute in community legal protection. This brings us back to our old problem and our old method of attack — the establishment and operation of an international federal government with power to enforce its rules and decisions.

For it must be obvious that it would be useless and even very injurious to attempt to outlaw war by proclamation without adequate machinery for enforcing that proclamation. It would be useless because in the absence of some machinery for enforcement the ruling would be at least misunderstood or misinterpreted and at most disregarded and defied. It would be harmful because a proclamation so misunderstood and defied would be worse than no proclamation at all, an additional mark of discredit to international law and authority. To oppose a simple proclamation of the immorality and illegality of war seems to be ungrateful and even to indicate a kind of approval for war. It is really based on a realization that harm rather than good is almost certain to result from such action, and harm to the very cause which the supporters of such a step have at heart. It is based on the conviction that peace can be effectively established and maintained only by those methods of international protection and enforcement already described.

Prospects of success of peace movement. — In concluding our study of the problem of peace we may ask what are the prospects of success for the peace movement. Peace has been

desired and sought after for two thousand years and more, yet war we have still with us. Must it be ever thus?

The present position of affairs promises success for the peace movement greater than has been within reach at any time in



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VANCOUVER'S HARDING MEMORIAL

This memorial was erected on the occasion of President Harding's visit to Vancouver, as a monument to a century of peace between the United States and Canada.

history. In the first place, war is more terrible in its effects on all men and nations, largely because of increasing social unity within the nation and among the nations of the world. From a beautiful dream of the philosopher and reformer peace has become the urgent necessity of the practical statesman. And, in the second place, the nations, finally trained to some

degree in organized international coöperation, have finally turned from abstract peace plans to concrete programs of international government of much greater promise. Therefore, the prospects for an effective solution of the war problem are better than ever in the history of the nations.

DEFINITIONS

Peace: absence of military competition between individual nations and reduction of military action by the league of nations to a minimum consistent with preservation of international law and order.

Disarmament: removal of military, naval, and aerial equipment from control of individual nations

Outlawry of war: removal of the sanction now given to war-making by international law and prohibition of same

Aggressive war: war begun without submission of dispute to international court or council or in defiance of decisions of these bodies.

STUDY HELPS

A. QUESTIONS FOR DISCUSSION

1. Why does the welfare of the community require more than peace and order?
2. What calamities might be worse for a nation than that of war?
3. Why would a nation need an army even if there were guarantees of world peace?
4. Why do we say that peace is a negative ideal?
5. What positive arrangements would bring peace as a by-product?
6. Why is it not sufficient to attempt to bring peace by educating the emotions of people?
7. What difficulties lie in the way of a program of disarmament?
8. What is involved in the organization and operation of an international governmental system?
9. What does a positive policy of world coöperation involve?
10. Take either side of the statement that the outlawry of war is the best way to bring about peace.
11. What prospect is there for success in the peace movement?

B. QUESTIONS FOR INVESTIGATION

1. What were the costs of the World War in money and in lives?
2. Why was it said that the World War was to "make the world safe for democracy"?
3. What were the results of the Washington Conference for the Limitation of Armaments?
4. On what items did the Washington Conference fail to act? Why?

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CHAPTER XII

THE LEAGUE OF NATIONS: ORIGINS

What historical forces were instrumental in bringing into existence the League of Nations?

What practical plans contributed to the formation of the League?

How did the Paris Peace Conference draft the Covenant of the League?

Significance of the League of Nations. — The culminating event in the development of international organization in modern times was the establishment in 1919-1920 of the present League of Nations. We may think differently among ourselves of the value of the League in relation to the aims it is intended to serve. We may differ regarding the proper attitude to be taken by the United States toward the League. The fact remains that its establishment was the most definite and pretentious effort at world organization known to history and that it is today the most elaborate and effective international organization in existence. For these reasons the League must logically form the final topic in our study of world politics. In the three succeeding chapters we shall study its origins, its structure, and its activities.

Origin of the League. — The sources from which the League took its origin were of two types. There existed prior to 1918, the year in which the World War drew to a close, certain sentiments and movements which had been developing since the period of Napoleon and Waterloo. These formed the historical origins of the League. There were also certain

definite steps taken by various persons and institutions in 1918 and 1919, including the Peace Conference itself. These formed the practical origins of the League. Let us notice these types of source materials in turn.

Historical peace movement. — The principal historical movement or force leading to the establishment of the League of Nations was undoubtedly the peace movement or the desire for peace. There was the determination that what had happened in 1914, and what had been happening ever since that fatal year, should not happen again; and this led in 1918 to an effort to organize the world for peace. The professional peace movement, as typified by peace societies in America and elsewhere, had less weight, however, than had the great wave of popular protest against the horrors of modern war as these were revealed on the soil of Belgium and France. It was the desire for peace rather than the organized peace movement itself which led men to make an effort to fortify the world against the recurrence of such horrors in the future.

This aspect of the situation should be borne in mind, for it has two consequences. These consequences still influence the course of events today.

One of the results of the situation just described is found in the fact that many of the peace societies, who had little direct share in the establishment of the League, and who had always sought peace by education and disarmament rather than by international organization, are critical of, and even hostile to, the League. Many of them feel, perhaps, that, in the effort to equip the world for peace, an organization so formidable has been created that it may itself employ force to attain its ends. This is either to forget that sometimes the only method of ultimately preventing recourse to violence by individuals is for the community to exert its might for

restraining those individuals at the start, or else to place the absence of violence foremost, above even the promotion of international justice. Neither view can be retained if submitted to fair criticism.

The second result is seen in the tendency to regard the League solely as a peace-keeping organization. This leads to the practice of neglecting its services to international coöperation apart from the danger of war, and its services to international justice. It also creates a tendency to exaggerate the importance of what appear to be failures on the part of the League to preserve a perfect peace in the world. In short, it produces a tendency to view the League too largely as a peace-keeping institution alone, good or bad in proportion as it keeps or fails to keep the peace. This is a thoroughly unsound view of the whole situation, for the reasons given in Chapter XI.

Pre-existing institutions of international government. — A second source of inspiration drawn from the past for the formation of the League in 1919 was the pre-existing institutions of international government. The Hague Court of Arbitration, created in 1899, still existed. Many international bureaux still existed and most of them had carried on their work right through the War. There were familiar precedents for international representative assemblies, including the Hague Conference and many others. From these materials alone, apart from any special purposes and special plans or arrangements in the minds of the framers of the Covenant, a complete structure of international government could have been built. In actual fact these precedents were fully considered in drafting the Covenant of the League which thus became not a new creation of the imagination but a normal culmination of several centuries of international development.

In addition to the pre-existing specialized institutions of international organization such as those just mentioned the experiences of Europe under the Concert of Europe and the Holy Alliance could be drawn upon as could the experiences of the United States and other nations in the practice of federal union. These materials exerted an influence on the framers of the Covenant second only to that of the institutions of international organization proper.

Former projects for a league of nations of little value. — On the other hand, it should be noted that the schemes for international organization put forward in the past by various scholars and reformers played little part in bringing the League into existence. It is true that these schemes were known to the leaders in the movement for the establishment of the League. It is also true that collections of these schemes had been specially prepared for the use of the members of the Peace Conference in their work in formulating a plan for a league. But in historical fact these old plans, which had been drawn up by Emmanuel Kant and Benjamin Franklin and others, had little or no influence on the drafting of the Covenant in its actual form, at least in its details.

It should not be forgotten, however, that the peace plans or plans for world federation put forward in the past had one tremendously important result. They rendered men's minds familiar with the idea of a world state or at least a federation of nations. Their authors failed to work out the details in such manner that their plans could be taken over intact. Yet they gave to the world the general idea of a federation of nations, an idea which would not necessarily have come forth from either the peace movement by itself or the miscellaneous mass of detailed institutions of various sorts set up in the past. This effect was very noticeable in 1919; in discussing a pro-

jected league of nations men referred constantly to such general ideas of world federation as had appeared in the past.

Propaganda organizations. — Coming still closer to the actual drafting of the League constitution, we may notice two influences which more than all others among the forces at work prior to 1919 induced the leaders of the victorious powers to attempt to establish a League of Nations. These were the League to Enforce Peace in the United States (a similar organization existed in England), and the labor and socialist bodies in England and on the continent of Europe (a similar but weaker influence was felt in this country).

I. The American League to Enforce Peace. — The League to Enforce Peace was organized in the United States in 1915 by men of both the Republican and Democratic parties with the object of securing action by the nations to organize to maintain by force the peace of the world. The enforcement of peace was the principal idea in their program although they relied on judicial settlement for justiciable disputes, conciliation for non-legal questions, and periodic conference to define and re-define international rights. The group included many persons who had much practical experience in government and international relations, such as former President William Howard Taft. It included fewer professed peace advocates than a peace society of the older type. It included many persons of wealth and influence in the business world and in American public life generally. The English society or branch was of the same general character although somewhat more pacifist in tendency.

This organization began its campaign in 1915. At first President Wilson was suspicious of or even hostile to the movement, for various reasons. By the early part of 1916, however, he had become convinced of the soundness of the

essential proposals of the organization. From that time onward he became the leading advocate of the plan for a League of Nations.

II. European Labor and Socialist Groups. — Finally, on the European side the turning of the minds and hearts of the governments toward the creation of a League of Nations was the work not of persons such as those who had formed the League to Enforce Peace in this country, but of persons of very different views. In Europe it was the Labor Party in Great Britain and similar labor and socialist bodies in France and elsewhere who rather frightened their national governments into following President Wilson's lead in this matter. Increasingly in 1916 and 1917 the demand arose in all of the European nations — Germany and Russia included — for the creation of an association of nations to protect the peace of the world when the then present war should be over. Under ordinary circumstances the European governments would not, probably, have paid much attention to these demands. But labor was in an advantageous position in view of the need of man power in all the warring countries. Fear of popular uprisings was widespread. Moreover, President Wilson had given the masses of Europe a rallying cry to which the European governments also felt thus forced to render at least lip-service.

Preliminary steps in formation of the Covenant. — When we notice the practical origins of the League Covenant we see this situation reflected still more clearly in the actual succession of events. To the immediate steps in the formation of the League we now turn.

The Phillimore plan. — It was in England that the first practical plan for the League was drawn up in any of the belligerent nations. President Wilson remained content with statements of general principles down until late in 1918. On

the Continent of Europe no Government was sufficiently interested to draft a concrete plan. In England, however, the Government had already appointed a committee to study the question and on March 20, 1918, this committee made a report, presenting what is known, after Lord Phillimore, its chairman, as the Phillimore plan for a League of Nations. This plan was fairly comprehensive and at the same time specific in character. It was, however, very obviously a tentative effort and it was not nearly so concise and so direct in dealing with the problem of peace as was the program of the League to Enforce Peace.

The House plan. — The Phillimore plan was at once printed by the British Government and a copy transmitted to President Wilson for his information. He was very much interested, of course, but very busy, with the beginning of the new German offensive and the need for bending all energies toward military success. Accordingly he turned the document over to Colonel E. M. House, his adviser, for study and comment. Colonel House, who was not so busy as the President, found time not merely to comment on the Phillimore plan, but to draft a second plan. This House plan was submitted to President Wilson on July 16, 1918, as the commentary of Colonel House on the British plan.

President Wilson now found time to give his own attention to the matter. The turn which military events had taken, with the failure of the German offensive, both released him somewhat from the anxiety of the preceding three months, and also threatened to bring on the end of the war and a meeting of the Peace Conference sooner than had been expected. Hence he felt able to study both the Phillimore plan and Colonel House's revision thereof.

The Wilson plan, first draft. — Whereupon the President

drew up a plan of his own, the Wilson plan, first draft, as we shall call it. This first draft, completed by August 16, 1918, was more comprehensive and more fully and evenly developed than the two upon which it was based. It was far in advance of any ideas which President Wilson may have had prior to this time. And it was far in advance of any schemes proposed by other countries or by private scholars or by private peace societies. It was certainly the most mature draft plan in existence on November 11, 1918, when military activities were brought to an end by the Armistice with Germany.

On the other hand, this first Wilson plan was seriously defective in some aspects. As it was ahead of the first vague ideas of early 1918, it was far behind the Covenant as finally adopted. While fairly detailed on the topics with which it actually dealt, it was deficient at many points in not dealing with certain important matters at all. Thus it did not provide at all for an international court. Nor did it provide for the administration of the colonies which had been taken from



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WOODROW WILSON

"The Founder of the League of Nations."

Germany and Turkey during the war. How these deficiencies were remedied makes an interesting story.

The Smuts plan and Wilson plan, second draft. — The lack of provisions in the Wilson plan dealing with colonies was remedied only after President Wilson reached Paris. There had been published on December 16, 1918, in Paris, a pamphlet containing certain proposals or suggestions for a League of Nations by General Jan Christian Smuts, Prime Minister of British South Africa. This Smuts plan was more of a statement of principles than a systematic detailed plan, but on the colonial question General Smuts was definite and detailed, because South Africa was very much interested in the disposition to be made of German East Africa, particularly, of German South West Africa. General Smuts had worked out a scheme whereby former German and Turkish colonies were to be governed by individual Allied powers in the name of, and under mandate from, the future League of Nations. This scheme is now known as the system of Mandates under the League. It was taken over by President Wilson from the suggestions of General Smuts and incorporated in the second draft of the Wilson plan, which was completed by January 7, 1919.

Cecil, Miller, and Lansing plans. — In the interval between the signing of the Armistice on November 11, 1918, and the opening of the Peace Conference on January 18, 1919, many other students of the problem had been active in making or revising plans for a League of Nations. Lord Robert Cecil of England published a plan on the very day when the suggestions of General Smuts appeared. Various advisers of President Wilson had been studying and commenting upon his first draft — notably Mr. David Hunter Miller, legal adviser to the American delegation at the Peace Conference, and Mr. Robert Lansing, Secretary of State.

Wilson plan, third draft, and other official plans. — Finally, in the ten days between January 7 and January 18, 1919, President Wilson again revised his plan, thus having a third draft ready when the Peace Conference opened. This must be regarded as the official American plan for a League of Nations. At this point the official British plan — a revision of the old Phillimore plan — was presented. Similarly the French, Italian, Belgian, and Swiss Governments presented plans of their own. Of these only the French and Swiss were fairly full and specific, the others being presented merely to give the Belgian and Italian Governments a ground for taking part in the discussions.

It is interesting to reflect on what had happened in this matter up to this point. The British and American Governments alone had displayed real interest in the matter, the former under pressure from labor and the pacifists, and the latter only after President Wilson had been driven into it against his first inclinations. Yet President Wilson had, after reluctantly turning to the subject, made such headway that by the time the Conference opened, on January 18, 1919, he had developed a plan for a League far more complete than any of those yet held by others. And he had done this largely by the very process which, it was often said, he never succeeded in employing, namely, taking suggestions from other people. At the same time he was resisting every effort made by Secretary Lansing to alter the one fundamental principle of his plan, a principle he had at first resisted when put forward by others, namely, the enforcement of peace by armed force.

Final steps in procedure to create a League. — *Conference decides to create a League.* — One of the first acts of the Peace Conference was to decide in favor of the creation of a League of Nations. At its second plenary session, held on January

25, 1919, a committee was appointed, with President Wilson as chairman, to draft a "constitution" for the League. The resolution adopted by the Conference indicated that the League was to consist mainly of periodic conferences with a permanent secretariat or clerical staff to carry on the business of the League in the intervals between conferences, and that the League was to be open to all trustworthy nations. It was for this committee to begin where the preliminary labors of Phillimore, House, Wilson, and the others had ceased.

The Hurst-Miller compilation. — It is interesting to note that in the week succeeding this action the preëminence of the British and American proposals became still further pronounced. The American and British delegations each appointed a representative — the British Sir Cecil Hurst and the Americans Mr. David Hunter Miller — to compare and reconcile the official British and American plans as they stood at this time. The result was the so-called Hurst-Miller compilation and, while all previous plans and a fourth draft of President Wilson's own plan were technically before the Conference, it was this Hurst-Miller compilation which actually formed the basis of discussion in the Conference committee. It may be noted that this compilation leaned heavily in the direction of the American plan.

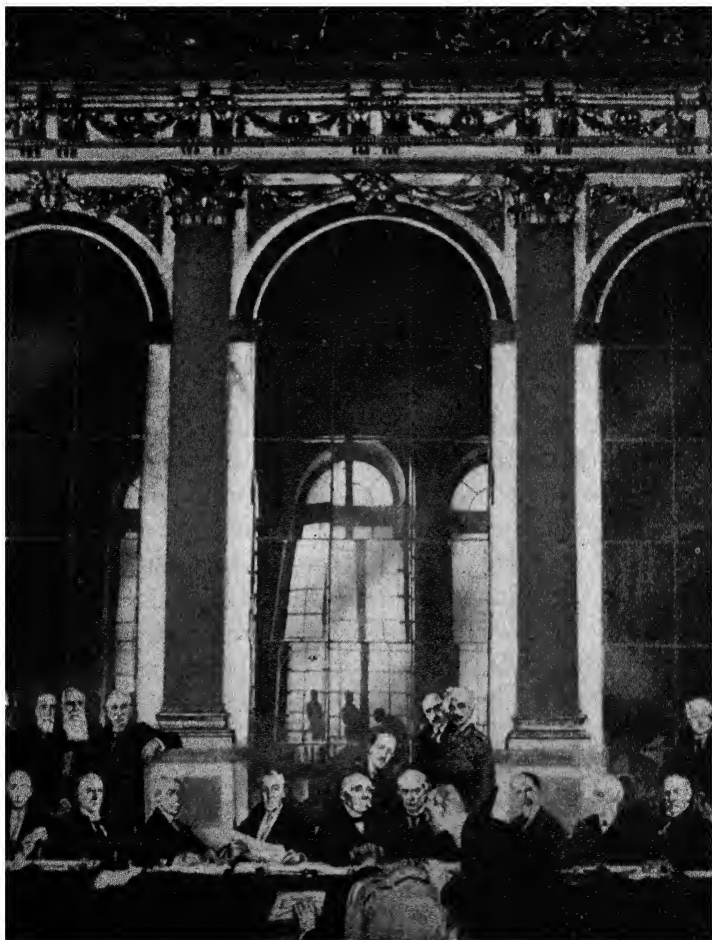
First conference draft of Covenant, February 14, 1919. — The committee met in daily sessions from February 3 to February 13, 1919, and on the latter date adopted tentatively a draft constitution for the creation of a League of Nations. On the next day (February 14) this draft was presented to the Peace Conference in plenary session. Although it was in tentative form, and had not been signed or accepted by any state in attendance at the Conference, it was sent out as a valentine to the waiting world.

Criticism of the draft Covenant. — The result was inevitable — the draft constitution was severely criticized in all parts of Europe and America. This had been expected and to some extent desired. It was due to many causes. Every person was interested as he had never been interested in peace plans before and perhaps never will be again in his lifetime. No one had possessed any idea of what was contained in the plans drafted in secret up to that time, for few people had known that any specific plans had been drafted at all. Defeated enemy states were interested in any decisions of the gathering of Allied representatives at Paris and were hostile to all decisions in advance. Personal and partisan opponents of the individuals taking part in the deliberations at Paris, in the United States and elsewhere, were on the alert for material for opposition. To publish the draft Covenant as it was published in February of 1919 was therefore to invite floods of vigorous criticism. It was a courageous, if not a foolhardy, thing to do. Not all of the criticisms proffered in America or elsewhere were meant to be sincere and helpful, and some of them could neither be utilized nor ignored by the leaders at Paris.

Revision of the draft Covenant; Final text, April 27, 1919. — Nevertheless, when the committee resumed discussion of the Covenant on March 18, after President Wilson returned from his trip to the United States, every effort was made to profit by the discussions and criticisms of the preceding four weeks. For over a month more, the text of the Covenant was made the subject of continued revision and re-drafting.

The final result was reached on April 28 and surpassed in excellence the draft of February 14 as much as that draft had surpassed the early efforts of the spring and summer of 1918.

Covenant put into effect, January, 1920. — The text of the Covenant was incorporated in all the principal treaties of peace



From Wide World Photos

SIGNING OF THE TREATY OF VERSAILLES

In the painting of this historic scene, by Major William Orpen, the German delegate is affixing his signature. In the center may be seen President Wilson, Premier Clemenceau of France, and Premier Lloyd George of England.

signed in 1919-1920, including especially the Treaty of Versailles, which was signed on June 28, 1919, by the Allied nations on one side and by Germany on the other. As a result it went into force as a part of that treaty, under the provisions contained therein, when that treaty was ratified and put into effect in January, 1920.

General Conclusions. — One or two general conclusions may be drawn here regarding the origins of the League. These conclusions, moreover, are important in forming our opinion of the value of the League as it stands today.

In the first place it was created mainly as a result of American leadership, out of American ideas and American proposals. British contributions came second. Moreover, the American contributions, while made through President Wilson, came also from sources other than the feelings and ideas of the President alone.

In the second place the League arose out of feelings opposed to the warlike spirit of 1918. The League was organized by the victors and the enemy nations were kept outside of the League for the time being, but essentially the League was a thing apart from the war and the peace of victory. The fact that it was given a few tasks in the carrying out of the settlement is less significant than the fact that it was deprived of any real power in the most essential matters, such as reparations and boundary revision. President Wilson thought of the League in large part as a future cure for the evils which the War had produced and which still survived in the peace treaties.

In the third place the joining together of the League Covenant and the peace settlement was solely a matter of tactics in any case. The time was ripe for the creation of a League. Five years later would have been too late. The peace treaty had to be drawn and signed and if the League could be incor-

porated therein it also would thus obtain approval. Perhaps such calculations were unseemly, but it was by making and acting upon those calculations that President Wilson gave to the world the first general international federation known to history.

Relative importance of terms of the Covenant. — Much time may be and has been spent in a study of the text of the League Covenant. Such action is likely to lead the student astray. What the League was to be in 1920 was to result more from the general conditions among the nations than from the exact words placed in the Covenant. What the League has now become, moreover, it has become rather because of current conditions than because of the phrases in the Covenant which were so bitterly discussed in 1920. A study of the text may be made with the aid of any one of a number of excellent commentaries now published in handy form. A more useful knowledge of the League will be gained from an examination of its actual composition and organization as it stands today and of its activities in various fields of international relations. To these aspects of the League we shall turn in the next two chapters.

International Labor Organization and World Court. — Finally, nothing has been said in this chapter concerning the origins of two other organs of the League as it stands today, namely, the International Labor Organization and the Permanent Court of International Justice, the latter sometimes called the World Court. These institutions were created by acts distinct from that by which the Covenant was framed. It seems better to treat the origin of the former in the next chapter, in connection with the position of the Labor Organization in the League as a whole, and the origin of the Court in Chapter XIV in connection with the activities of the League since its establishment.

STUDY HELPS

A. QUESTIONS FOR DISCUSSION

1. How did the historic peace movement aid in the formation of the League of Nations?
2. Why have certain peace advocates been hostile to the League?
3. How did previous schemes for world federation help in establishing the League?
4. What main contrasts existed between the supporters of a League idea in America and in Europe?
5. List the chief persons who were engaged in the formation of drafts for the League and show what each contributed
6. Why did the Peace Conference publish the first draft of the League Constitution?
7. Why was the League Covenant incorporated in the various peace treaties of 1919-20?

B. QUESTIONS FOR INVESTIGATION

1. Make a list of reasons in favor of having the United States join the League.
2. What were the main reasons that caused the Senate of the United States to oppose the League?
3. How did the United States make peace with Germany without acceding to the Covenant of the League?
4. What particular parts of the League Covenant caused most opposition in the United States?

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CHAPTER XIII

THE LEAGUE OF NATIONS: STRUCTURE

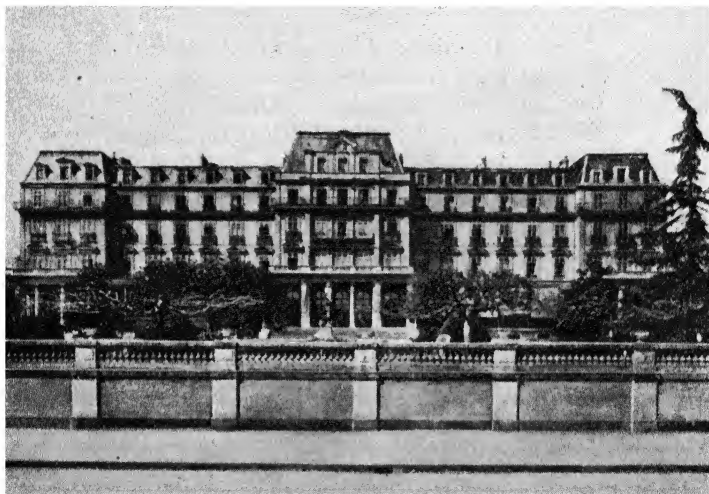
- What are the organs of the League of Nations?
- How is each organ composed?
- How is the International Labor Office organized?
- What have been the expenditures of the League?

Nature of the League of Nations. — The League of Nations is a federal league of fifty-six nations banded together for various purposes and seeking to accomplish their aims by certain organs of government and forms of procedure outlined in the Covenant of the League and other supplementary constitutional documents. The membership and the machinery of the League will be considered together in this chapter, and the activities and procedure of the League will be dealt with in the next chapter.

Membership. — Of the fifty-six members of the League of Nations (1927) twenty-eight became members by signing and ratifying one of the peace treaties of 1919-1920 containing the Covenant. Fourteen became members almost immediately by acceding to the Covenant upon the invitation of the nations who had already signed it. The remaining fourteen were elected to membership by the League itself, upon their own application, in the first seven years of the League's existence.

Certain aspects of this situation deserve special notice. For example, contrary to impressions held in some quarters, no state which has become a member of the League has withdrawn from membership, although two nations have given

notice of withdrawal which may take effect in 1928. One or two nations at one time or another have refrained from participation in some one or more of the activities of the League, or have even failed to pay their share of the League expenses, for reasons differing in the different cases. Second, among



A photo by F. Wing Galloway

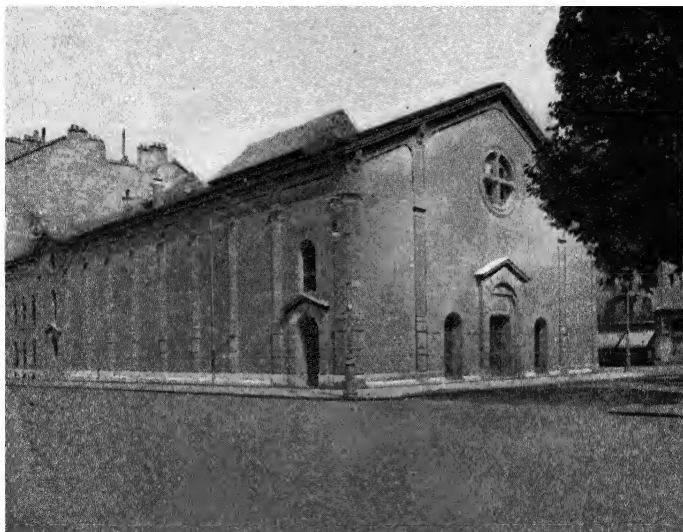
PALACE OF NATIONS, GENEVA; HEADQUARTERS OF LEAGUE OF NATIONS

The League Council meets in this building, and the offices of the various divisions of the Secretariat are distributed throughout the building.

the fourteen nations outside the League, only two are of first rate importance — Russia and the United States. Mexico and Turkey are of secondary rank, while the remainder are of almost negligible importance. Certain non-member nations coöperate officially or unofficially with the League, and it is highly probable that Mexico and Turkey will soon be elected to membership. Of the fifty-six present members, twenty-

six are found in Europe, twenty in Latin America, five in Asia, three in Africa, and two in Australasia.

Headquarters of the League. — The headquarters of the League are located in Geneva, Switzerland, which thus



Courtesy of League of Nations Non-Partisan Association

HALL OF REFORMATION, GENEVA

The Assembly of the League meets here annually. The structure is old and dark, the inside being lighted only from above. It is located in Geneva at some distance from the Palace of Nations.

becomes to a certain extent a world capital, as Washington is the federal capital in the United States. Here are located the buildings occupied by the central organs of the League with the exception of the building occupied by the World Court, which is located at The Hague, the capital of the Netherlands. Certain field organizations of the League

occupy offices in various parts of the world, as will appear later.

The Assembly. — *Composition.* — The representative organ of the League is the Assembly. This body is composed of delegates appointed by each Member-Nation. As each Member may name three representatives, the Assembly is usually a body of more than one hundred and fifty persons. Each national delegation has one vote.

Organization. -- The Assembly is organized under a President and twelve Vice-Presidents who, together, form the General Committee which manages the work of the body. These officers are chosen by the Assembly itself. The Secretary-General of the League acts as Secretary of the Assembly. The Assembly is further divided at each session into six standing committees and from time to time special committees are named as the occasion demands. The permanent committees are made up of one representative from each Member Nation, they are each presided over by one of the Vice-Presidents, and deal with following subjects :

- I. Constitutional Questions.
- II. Technical Organizations.
- III. Armaments.
- IV. Budget and Administration.
- V. Social Problems.
- VI. Political Questions.

From the permanent committees, special sub-committees are appointed as the need arises.

The Council. — *Composition.* — The executive body of the League is called the Council. This body consists of fourteen persons, five of whom represent France, Germany, Great Britain, Italy, and Japan, and nine of whom represent other

nations. The five nations named are entitled to permanent representatives in the Council. The elective members are chosen by the Assembly. The United States was intended by the Covenant to have a permanent place on the Council, and the number of rotating members was originally fixed at four. Changes may be made in these matters by the Assembly and Council acting in conjunction. Other nations are invited to attend Council meetings from time to time when matters affecting them are being discussed by that body.

Organization. — The Council is headed by a President chosen anew for each meeting from among its members. The Secretary of the League is also Secretary of the Council. Finally, the Council creates from time to time many special committees or commissions from among its own members and even from persons outside its own membership. In each case a Reporter, a member of the Council, is named to serve as a link between Council and committee. In intervals between meetings of the Council the committees, reporters, Secretary, and President of the preceding meeting carry forward the work of the Council to the next meeting.

Permanent Court of International Justice. *Creation of the Court.* — The judicial organ of the League is the Permanent Court of International Justice. This body was not created directly by the Covenant as adopted in 1919. In that document it was provided that a court should be created later. This action was taken in 1920–1921. At this time the so-called Statute of the Court was signed and ratified by a large number of members of the League, and the first judges elected under the provisions of the Statute. It may be stated here that this Statute of the Court was drafted by a commission of jurists sitting under the leadership of a former American Secretary of State, Mr. Elihu Root, working chiefly with

American materials held over from the Hague Conference of 1907.

Membership. — The Statute of the Court has now been accepted by fifty states, all members of the League. Nations not members of the League may sign and ratify the Statute,



COMMISSION WHICH DRAFTED THE STATUTE OF THE PERMANENT COURT
OF INTERNATIONAL JUSTICE

Elihu Root and James Brown Scott, American members, are at the right. The scene is the main conference chamber of the Peace Palace at The Hague.

but at present no state not a member of the League has so acted. The United States Senate has agreed to such action by the United States subject to certain reservations which will amply protect us in our dealings with the League and the Court without altering the essential character of the latter. These reservations preserve our position as independent of the

League as a whole and our freedom from obligations under the Treaty of Versailles, permit us to participate in all elections of judges of the Court and all changes in the Statute, provide for payment by the United States of her share of the expenses of the Court, and permit us to withdraw from membership in the Court at any time. They also provide for notice and hearing for all parties, and fullest publicity, in the rendering of advisory opinions by the Court; and they stipulate that no such opinion shall be rendered in any dispute or question in which the United States has or claims an interest without our consent. The members of the Court have indicated their willingness to accept all of these stipulations except the second part of the last reservation. They feel that this provision gives to the United States privileges which they do not themselves possess. Further negotiations must be undertaken in order to reconcile this difference of opinion before American adherence can become effective.

Organization. — The Court itself is composed of eleven judges and four deputy judges, elected, regardless of nationality, for terms of nine years each by the Council and Assembly of the League acting together. Persons who are jurists rather than diplomats or politicians are chosen, and on the Court are to be found representatives of all the great legal systems of the world. The Court elects a President and a Vice-President from its own members and a Registrar from outside. Under the Registrar there exists a staff of about twenty secretaries, reporters, typists, interpreters, translators, proofreaders, and messengers. The Court is divided into three special chambers or sections called Chambers for Summary Procedure, for Labor Questions, and for Transit and Communications. The first Chamber is designed to afford settlement of disputes by an abbreviated and simplified form

of action. The last two are to deal with the subjects indicated in their respective titles. There are three judges assigned to the first chamber and five to each of the second and third chambers. At the first elections, judges were elected who



Photo from Ewing Galloway

PEACE PALACE, THE HAGUE, HEADQUARTERS OF THE WORLD COURT

The Peace Palace was built by Mr. Carnegie. The general conference hall is on the second floor, center, front; the old Hague Court meets in a chamber on the ground floor in the front corner under the larger tower; the World Court meets in a larger room in the corner under the smaller tower. Sides and rear of the building are occupied by judges' chambers, library, and the Academy of International Law.

were nationals of the following countries: Brazil, Cuba, Denmark, France, Great Britain, Italy, Japan, Netherlands, Spain, Switzerland, and the United States.

In the Statute of the Court are many provisions regarding the election of the judges, their tenure of office, reelection,

retirement, competence, and the payment of their salaries and expenses from the revenues of the League. There are provisions for the choice of assessors or technical advisers to assist the judges in cases relating to Labor or to Transit and Communications. All of these details of organization are subject to control by the Assembly of the League within limits set by the Covenant and the Statute. Thus, in origin and organization, the Permanent Court of International Justice, or the World Court as it is often called, is an integral part of the League of Nations.

The Secretariat. — More obscure than Assembly, Council, or Court, is the Secretariat of the League which serves as the administrative backbone of the whole system. It is the most stable and continuous branch of the entire organization.

General organization. — At the head of the Secretariat is the Secretary-General, assisted by a Deputy Secretary-General and two Under Secretaries-General, each aided by various assistants and secretaries. The persons included in these offices of general supervision number about twenty-five, and are mainly British, French, and Japanese in nationality. The Secretary-General is British, the Deputy French, and the two Under Secretaries Japanese and Italian.

The body of the League Secretariat is divided into eleven Sections. They are devoted to the following subjects: Political Questions, Information (publicity), Legal Questions, Economic and Financial Questions, Transit, Territorial Administration and Protection of Minorities, Mandates, Armament, Health, Social Problems, and International Associations. The Transit and the Mandates Sections contain only five or six persons each; while the Information and Economic Sections include thirty-five or forty persons each. Each Section is under a Director and includes a number of

Members of Section (staff experts), Secretaries, clerks, and other employees. Three Directors of Section are British, two are French, and one each Danish, Italian, Japanese, Norwegian, Polish, and Swiss. In all there are about one hundred men and women at work in these sections; of these over half are of staff rank.

Of the Sections just described the first three are closely attached to the offices of general supervision. So, also, are two rather isolated offices or bureaus known as the Financial Administration Office and the Latin American Bureau. These offices are charged respectively with budgetary matters and the maintenance of relations with Latin American states considered as a unified group.

The lowest divisions of the Secretariat are the Internal Services, so-called. These divisions include units for accounting, care of buildings, extra secretarial work, interpreting and translating, editing and publishing, drafting, stenography and typing, mimeographing, registry of documents, supplies, distribution and messenger service, chauffeurs, telephone, postal service, and library. They are under Heads of Departments, mainly British and French, and include about three hundred persons, only fifteen of whom are of staff rank.

Personnel. — Considering the Secretariat as a whole, it appears that it includes over four hundred men and women, one-fourth of whom are of staff rank. The Assembly of the League has full control over the employment of these persons (appointment, terms, pay, hours) although the actual “hiring and firing” is done by the Secretary-General subject to limits set by the Assembly. Members of staff are appointed for terms of twenty-one years, with provisions for a review of the appointment at the end of each seven-year period, while employees are appointed for terms of twenty-eight years,

with a review as in the former case. Thirty-five or forty nations are represented among these units, although almost one-third of the persons are British and nearly one-fourth French.

Affiliated Organizations. — Affiliated with the Secretariat are eight or ten Technical Organizations and Advisory Committees whose internal organization and relations to the Secretariat vary greatly. It would be unprofitable to examine these Organizations and Committees in detail, but their character and relationship to the League may be briefly noted.

1. Technical organizations. — There are three Technical Organizations, namely, those dealing with Economics and Finance, Transit and Communications, and Health. Each possesses a standing committee made up of official or private persons from states members of the League or outside states. Each has several committees and subcommittees dealing with various aspects of the general subject intrusted to its care.

2. Advisory committees — There are five Advisory Committees; these dealing with Military, Naval, and Air Questions; Mandates; Opium; Traffic in Women and Children; and Intellectual Coöperation. These Committees vary greatly in composition and internal organization. They vary in having from nine to fifty persons in their ranks.

3. Special commissions. — It may be added that special committees or commissions are created from time to time by the Assembly or by the Council or even by the Secretariat itself to deal with various matters such as boundaries, refugees, famine relief, and so on. Invariably such commissions are attached to the Secretariat and carry on their activities in direct connection therewith.

4. Special conferences. — Similarly, it should be remembered that the Assembly, the Council, and the Secretariat, or even the Organizations or Advisory Committees affiliated

with the Secretariat hold conferences from time to time, to which delegates from outside of their ranks are sent by various states. These conferences resemble the Assembly in composition and organization and they also may look to the Secretariat for clerical assistance and administrative service.

5. Territorial administrative agencies. — Finally, there are two groups of more or less independent organizations which yet deserve to be included in any survey of the League machinery. These are the agencies for the administration of certain territories under the peace treaties of 1919-1920 and certain international bureaus, similar to those described in Chapter VII, which are now affiliated with the League.

In the first group are the Governing Commission for the Saar Basin and the High Commissioner for Danzig. These may be briefly described.

The former is composed of five persons appointed by the League Council: one, a representative of the League who acts as President of the Commission; one, a representative from the Saar Basin itself; and three from states not concerned in the matter directly except to see that justice and peace are maintained. The Commission has full executive power in the Basin but is under complete control of the League Council. There have been established also a local Parliamentary Assembly, an Advisory Council, and a local police force under the control of the League. The result is that the League Council governs, more or less directly, a territory of great wealth, containing many busy industrial towns and cities, and a half million people in the heart of Europe itself.

The High Commissioner for Danzig is appointed by the League Council. He represents the League in Danzig as a source of protection for various elements in the local population under the provisions of the treaties of 1919-1920.

6. International bureaus. — Finally the Covenant of the League provided, in Article XXIV, that any international bureaus already in existence might be “placed under the direction of the League” with the consent of states members thereof and that all such bureaus created in the future should be so placed. As a result, some ten or a dozen such bureaus



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THE FREE CITY OF DANZIG

Now governed by a Commission under the supervision of the League of Nations.

have been woven into the fabric of the League, among them the International Hydrographic Bureau, of which the United States is a member. This is one of the characteristic developments to be hoped for from the creation of the League, namely, the coördination of the large number of special and isolated international organizations and activities created independently in the past.

Thus it will be seen that there may exist at one and the same time, for example, the Health Organization, including its permanent Health Committee, a special conference on some phase of international public health called by the Health Organization or by the Council, the Assembly, or the Secretariat of the League, the Health Section of the Secretariat, the Social Questions (including Health) Committee of the Assembly, and an independent International Bureau of Hygiene. All of these units coöperate constantly one with another so that what results from the multiplication of organizations above described does not produce mere duplication of effort, as might be feared, but an extension of effort and a perfection of service obtainable in no other way.

International Labor Organization. — Very similar to the Secretariat is the International Labor Office. But the Labor Office is only a part, the Secretarial part, of the International Labor Organization, which should be considered as a whole.

Creation. — When the League of Nations was being organized at the Peace Conference of Paris in 1919, it appeared desirable to the representatives of labor who were present among the delegations of the Allied nations to create a distinct international organization to deal with matters affecting labor, rather than to place these matters within the general jurisdiction of the League of Nations. They feared that labor questions would be neglected or mishandled if so treated, and their view prevailed with the framers of the League Covenant. As a result the International Labor Organization was created by a distinct document, which may be called the Constitution of the International Labor Organization. This document must be regarded as a third constitutional law of the League of Nations, for the Labor Organization, like the World Court, was to be an integral "part of the organization of the League."

The Constitution of the Labor Organization also was made a part of each of the peace treaties signed in 1919-1920, and it became binding with them in 1920.

Organization. — The International Labor Organization is in form a replica of the League of Nations. Like the Court of the League it possesses a membership distinct from that of the League as a whole; at present fifty-eight states are members, including Germany. But it includes a General Conference, a Governing Body, the International Labor Office, and a Commission of Inquiry which correspond very well to the Assembly, the Council, the Secretariat, and the Court of the League, respectively. A brief description of each will suffice to make this clear.

General Conference. — The General Conference of the Labor Organization is composed of four delegates from each Member State, two representing the Government, one labor, and one the employers, in that state. The result is a body of over two hundred men and women delegates, beside scores of advisers, secretaries, and clerks. Delegates vote as individuals, not in national blocks. The Conference chooses its own President and the International Labor Office provides secretaries for the meetings. The conference is divided into committees for each session, the committees corresponding to the topics open for discussion. As certain subjects recur at each session there appear to be permanent committees on such main problems as Unemployment, Hours of Labor, and so on.

Governing Body. — The Governing Body of the Labor Organization likewise is larger than the League Council, consisting as it does of twenty-four persons, twelve Government delegates, six Labor delegates, and six Employers' delegates. Eight of the Government delegates are chosen by the govern-

ments of Belgium, Canada, France, Germany, Great Britain, India, Italy, and Japan, the eight leading industrial states members of the Organization; the remaining four by nations designated by vote of the Government delegates in the General Conference. Members of the two groups last named are chosen by labor and employers' delegates, respectively, in the General Conference. Members hold office for three years. The Governing Body selects its own chairman and creates its own committees.

Commission of Inquiry. — The Commission of Inquiry of the Labor Organization corresponds only roughly to the Court in the League. It consists of a panel of names of over one hundred and fifty persons nominated by member states, three being named by each member state (one Government, one labor, one employer). From these the Secretary-General of the League as a whole may select three persons (one from each section) to act as a committee or commission to study and report on a given dispute which has arisen over matters within the scope of the Organization. But for true judicial decisions on such matters, the Labor Organization may and must turn to the Court of the League itself.

International Labor Office. — The International Labor Office, on the other hand, resembles the League Secretariat very closely. At its head is a Director and a Deputy-Director, French and British respectively. These officers are named by the Governing Body of the Labor Organization and controlled by it. But they have practically complete control over the choice and supervision of the staff of the office. This staff consists of about three hundred and fifty men and women of over thirty nationalities, of whom about half are of staff rank. The Labor Office is divided, like the League Secretariat, into certain sections or branches as follows: General Direc-

tion (Director, Deputy, and Secretaries; fifteen persons); Internal Administration (typists, accountants, janitors; one hundred and thirty-five persons); Editorial, Translating, and Library (forty-two persons); Diplomatic Division (Conference, Conventions, Migration, and Legal Sections; thirty-two persons); Research Division (Statistics and Labor Conditions, Labor Legislation and Jurisprudence, Unemployment, Agriculture, Industrial Health and Safety, clerks; sixty-eight persons); and Intelligence and Liaison Division (Correspondence with Employers and Employees' Societies, National Intelligence; fifty-one persons). Nearly one-fourth of the total personnel of the office is of British nationality, about one-fourth French, and slightly over one-fourth Swiss — chiefly French Swiss clerks. Chiefs of sections are of various nationalities, including Spanish, Austrian, German, Hungarian, Canadian, and Dutch.

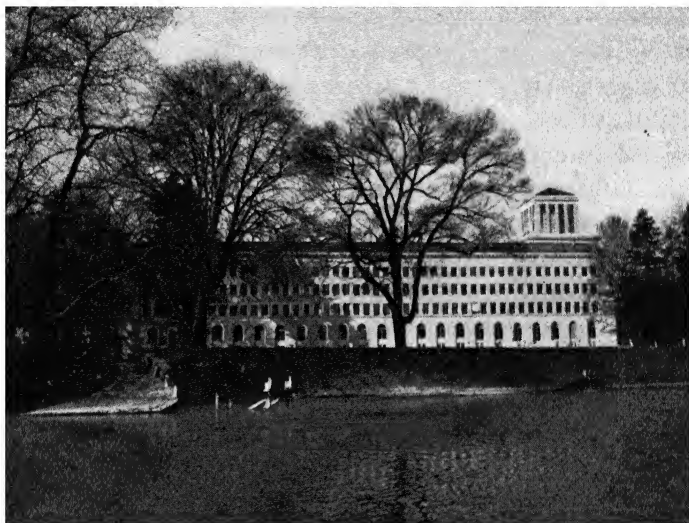
The Labor Office is located in Geneva and the General Conference and Governing Body generally meet there also. But between these bodies and the League bodies there is no complete union, although there is a considerable degree of coöperation, despite some rivalry, between the Labor Office and the Secretariat. The Labor Office maintains branches in Paris, London, Rome, Berlin, Tokyo, and Washington, D. C.

League budget. — The budget of the League reflects further the structure of the League and the relative importance of many of its parts. It will also provide a useful preface to our study of the activities of the League in the next chapter.

The total expenses of operating the League during a "fiscal period" — roughly a calendar year — amount to about \$4,000,000. This is less than the cost of one first-class battle ship.

Expenses of Secretariat. — About one-half of the total

expenses of the League are incurred by the Secretariat and Affiliated Organizations, taken together. Of this \$2,000,000, the Secretariat itself spends slightly the larger half. Two-thirds of this goes for salaries. On the other hand, the Economics and Finance Organization and the Health Organization



Courtesy of League of Nations Non-Partisan Association

INTERNATIONAL LABOR ORGANIZATION BUILDING, GENEVA

The new building of the International Labor Organization is located on the Lake near the Palace of Nations. Furniture and decorations have been contributed by British, French, American, and other labor bodies all over the world.

each spend more than any Section of the Secretariat proper — \$240,000 and \$130,000 respectively. Even the Advisory Committees studying the armaments problem exceed the Sections of the Secretariat in their expenses.

Assembly, Council, and Court expenses. — The expenses of Council and Assembly meetings are negligible — about

\$100,000 — in the total budget. Likewise the Permanent Court of International Justice spends only \$400,000 per year, of which more than three-fourths is spent on salaries.

Labor Organization expenses. — The Labor Organization consumes the remaining million and a half dollars per year, a sum larger than that spent by the Secretariat, notwithstanding the fact that the latter includes a larger number of persons. Here, as in the League proper, only \$75,000 goes for sessions of the Conference and Governing Board, while nearly a full million is spent for Labor Office salaries. With its larger personnel the Secretariat spends only some \$700,000 for salaries. This fact is explained by the higher percentage of staff members in the Labor Office. The latter also spends considerably more on publications than does the Secretariat.

Expenditures for buildings. — The expenditures of the League for buildings have been slight, thanks to the generosity of the Swiss Confederation and the City of Geneva, and to Mr. Carnegie and the Dutch Government by whose generosity the Court is able to occupy the magnificent Peace Palace constructed at The Hague for the use of the old Hague Court. But the old buildings hitherto occupied by all of the League organs in Geneva are already thoroughly inadequate. As a result new buildings are being constructed to house the Assembly and Council meetings and a new building has already been provided for the International Labor Office. The results should be important for the life of the League, even if the expenses have some effect on the hitherto modest budget of the organization.

Revenues of the League. — The moneys needed to meet the expenses of the League are obtained in small part from sale of League publications, interest on money on deposit, and philanthropic contributions from private sources such as the

Rockefeller Foundation. In the main, however, they are obtained by "contributions" from member states. These contributions are made in proportions fixed by the Assembly under the terms of Article VI of the Covenant, as amended. Great Britain contributes most heavily, paying about one-tenth of the total revenue (\$400,000). France follows with about one-twelfth (\$375,000). These contributions are calculated in accordance with the wealth of the contributing state, as measured by population, resources, per capita wealth, and other similar factors. China and India follow France; Italy and Japan come next in order; Spain, Argentina, Brazil, and Canada; and so on down to thirteen States paying only \$5000 or \$10,000 per year. Doubtless many of these feel that their assessments are too high. They should, however, be compared with expenses for battleships and artillery in order to judge accurately of their relative magnitude.

Summary. — Such is the organization of the League of Nations. At the center it is fairly symmetrical, simple in form, and complete. It has its Assembly, Council, and Court, typical representative, executive, and judicial organs, and the Secretariat to serve all three of them. But when one notices the Technical Organization and Advisory Committees attached to the Secretariat, the structure begins to appear to be irregular and unnecessarily complex. When one notices also the whole Labor Organization existing side by side with the League, the complexities increase. The fact is that the League was created in 1919, and it has been developed since that time, not so much on the basis of a symmetrical scheme for a world state as in response to definite demands put forward here and there by different needs and different interests. If it loses in beauty of logical form it gains in reality. It would be difficult to change things as they stand now, except in

details. In seven years the framework of the League has crystallized into a fixed part of the governmental machinery of the world.

STUDY HELPS

A. QUESTIONS FOR DISCUSSION

1. What is the League of Nations?
2. What important nations are not in the League?
3. How is a new member elected?
4. What are the different organs of the League?
5. What are the duties of each organ?
6. How is the Council made up?
7. How is the Permanent Court connected with the League?
8. How is the Permanent Court composed?
9. What is the purpose of the Secretariat?
10. Describe the framework of the International Labor Organization.
11. How are moneys needed to operate the League obtained?

B QUESTIONS FOR INVESTIGATION

1. What nations became members of the League by signing the peace treaties of 1919-20?
2. What nations have been elected to membership since?
3. What reservations have been adopted by the U. S. Senate concerning our joining the World Court?
4. How is the league similar in structure to and how different from the government of the United States?
5. Why does the League need to exercise any control over the Saar Basin and the City of Danzig?

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CHAPTER XIV

THE LEAGUE OF NATIONS : ITS ACTIVITIES

On what sorts of questions may the League of Nations act?
Which organs of the League consider the different types of questions?
What forms of action may each organ of the League take?

After our survey of League origins and organization in the two chapters preceding, we shall now turn in conclusion to a study of the activities of the League.

Methods of analysis. — In making this study there are several distinct methods of approach. We may examine the activities of the League as a whole, and, in fact, we should do this at the very beginning in order to start with a well-rounded picture of the League in action. Next we may examine the activities of the League by referring to the subjects dealt with, and this is a very natural point of view from which to approach the question. We shall also recognize the fact that different organs of the League have different functions to perform and we shall examine the activities of each of the League organs separately. Supplementary to this study we must examine the form of action taken on various matters and the methods of procedure followed in dealing with these matters. These forms of procedure employed by the League organs will often reveal more regarding the true nature of League activity than knowledge of the subjects treated.

General character of League activity. — One general comment may be made in advance with regard to action by the

League as a whole. Merely to speak of action by "the League" is to exaggerate somewhat the unity of the League. The League of Nations is not a unified state but a group of states acting together. When we say that "the League" does something, we mean in most cases that the nations members of the League do something together by making use of certain machinery which they have set up for that purpose. This is very different from what we mean when we say that the United States Government does something, for the states in the Union have given the Federal Government power to act by itself in many matters. By way of contrast it may be observed that in very few cases can the Assembly or the Council of the League take action without contemporary assent by the individual nations represented on those bodies. It is true that the Secretariat and the Court may act many times without the intervention of the Member States. But the former has no power to decide important questions and only acts in a subordinate administrative capacity to carry out decisions already made in the Council or Assembly. And the Court obtains its power to render binding decisions because Member States give it that power in specific cases by submitting those cases to the Court. All important political questions are handled by the Member Nations acting as independent states in the Council or Assembly respectively. This means that failure of "the League" to act in any case must be attributed not to "the League" but to the states which are unwilling or unable to act in the case in question. If this is borne in mind, many misunderstandings will be avoided.

Subject matter of League action. — With this qualification in mind we may then say that the League deals with political questions, with economic questions, social and humanitarian problems, and strictly legal questions. In the first class come

all the problems of international politics such as boundary disputes, protection of minorities, reduction of armaments, and the great problem of peace and war. In the second, come questions of labor and commerce, finance (including the finances of the League itself), and industry. In dealing with labor many social and humanitarian problems arise but the principal work of the League in the latter field relates to the care of refugees and famine sufferers, women and children who are the victims of mistreatment and exploitation, and many similar matters. Finally, the League deals with many questions of international rights arising out of customary international law as well as treaties and agreements, including questions concerning the organization and powers of the League itself.

Relative difficulties of different types of problems. — The League is not uniformly successful in handling these different types of questions. In its social and humanitarian work there is a universal disposition to aid the League in all possible ways so long as political or legal issues do not arise, and it is here that the fewest obstacles to success are encountered. For other reasons, the League has better chance of success when dealing with purely legal questions, especially questions concerning the League itself. This is chiefly because there are in existence certain definite agreements or rules of law which can be applied to these questions with less fear of injustice or error. On the other hand, economic problems must be handled with little help from supporting agreements or rules of law, as only a small number of agreements or legal principles as yet have been adopted dealing with these vital matters. Nevertheless, the great need for economic reconstruction and prosperity in the post-war period has made the nations very anxious to have something effective done in this

direction and it has given the League more opportunity here, especially when non-competitive problems are under consideration, than might be expected under normal conditions.

Political problems. — It is when dealing with purely political matters, such as boundaries and international rivalries for control of territory or trade, that the League encounters the greatest difficulties. These problems bear upon the vital interests of the nations and the doctrine of national sovereignty. They have not been regulated in advance by any signed agreements or established rules of law. They are therefore very indefinite in scope and form, and, as it is anyone's guess as to what the outcome may be, each nation feels free to struggle to obtain all the advantages possible either through League action or in spite of it.

It has been argued, therefore, that the League should avoid political questions and confine itself to strictly legal and non-contentious questions. The League would encounter less danger of opposition, dissension, and even its own destruction if this attitude were taken. Yet it must be obvious that these political problems, including the problem of war and peace, are the most important problems in the field of international relations. As a peace-keeping organization at least the League could not disregard these questions without courting the danger of becoming useless in the most vital issues of world government. The League must resolutely attack the problems of international political rivalry, armaments, and war and do the best it can under all the circumstances.

Allotment of subjects to League organs. — A little reflection will indicate the organs of the League capable of dealing with these various types of problems. This allotment of subjects or types of problems to different organs of the League is not carried out completely but is of considerable

importance in further revealing the character of the different organs of the League.

Social and humanitarian work to Secretariat. — For social and humanitarian work the secretariat and affiliated organizations are best equipped. Constant service, often service in the field, is needed here. Experts of all sorts must be employed.



SECRETARIAT, REGISTRATION OF TREATIES IN GENEVA

All treaties concluded by Members are registered in these large books, receipts are given to Governments registering the treaties, and the treaties are finally published by the Secretariat. Many treaties concluded with the United States have been registered by Members and we now send copies of all our treaties to this office.

Coöperation of the Secretariat and the Labor Office is often useful. In all ways the Secretariat has the advantage over all other organs of the League in this field. Much of this work was once done and must always be done by the international bureaus now being placed in ever larger numbers under League direction through the Secretariat. By leaving all political and legal problems aside the Secretariat and Tech-

nical Organizations can become mighty engines for social service in matters of public international health, morals, poor relief, and kindred matters.

Legal problems to Court. — Legal problems should be referred



From Wide World Photos

THE PERMANENT COURT OF INTERNATIONAL JUSTICE

The Court meets in a room of the Peace Palace at The Hague. The President is seated in the center. The second Judge on the left of the President is John Bassett Moore, one of the greatest American scholars and writers in the realm of international law and relations.

to the Court whenever possible. Its judges know the law as do none of the other persons connected with the League. They possess a judicial attitude which aims at the doing of strict justice without fear or favor. Secure in its remote position at The Hague, the Court is independent of all political influences which might disturb the fair decision of questions

of international right and duty. Unfortunately, it must be added, the Member States have not yet all agreed to refer all justiciable disputes to the Court and many questions of a semi-legal character at least are still treated as political issues.

Economic questions to Secretariat, Assembly, and conferences.

— In the field of economic relations the opportunity for activity is two-fold. Where actual administrative work is needed, or where merely investigation is needed, the Secretariat may best serve as in the field of social problems. But where action is needed to secure new agreements and to fix the rights and duties of nations in matters of trade and finance, the law-making machinery of the League must be called into play.

Political questions to Assembly and Council. — It is the Assembly or a conference which must take action whenever matters of principle are to be discussed and a new agreement is to be made which will define the rights and duties of nations. It is true that the Council has a natural share in such work. When there arises a dispute concerning some economic question which is not suitable for submission to the Court for decision according to any established law, and when it is a matter not of making such law but of compromising the claims of disputing nations for the time being to preserve peace, the Council is entitled to serve as a council of mediation or conciliation. And until much more law is enacted this service must be very necessary and very valuable in the maintenance of peace. But in the last resort the Assembly must seize upon such questions and attempt to devise principles and agreements which will serve to dispose of such matters in the future, not by continually recurring compromises and bargains, but by automatic application of established legal principle.

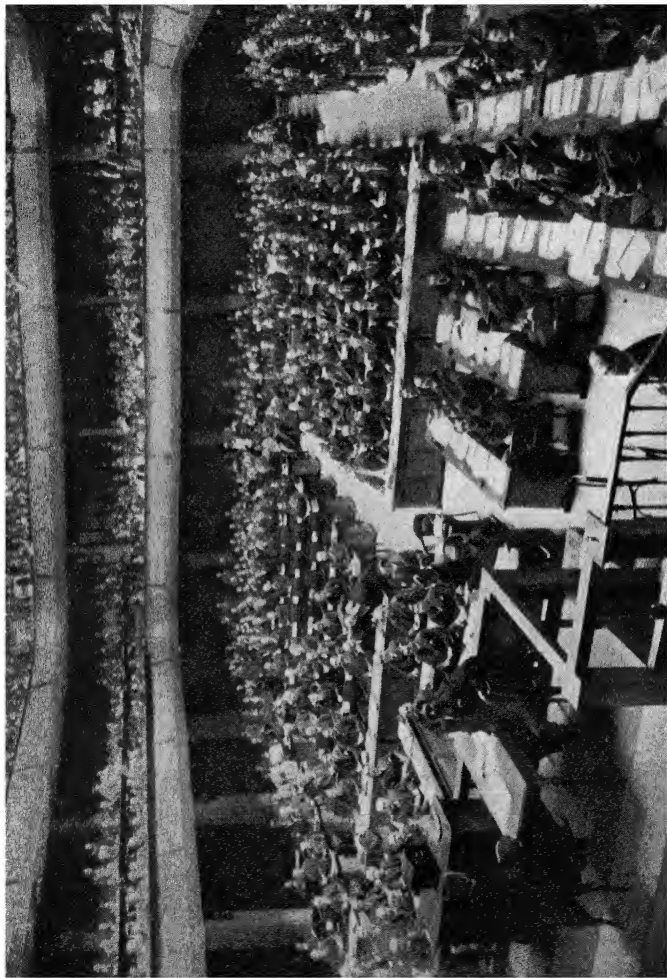


Photo by Ewing Galloway

ASSEMBLY OF THE LEAGUE OF NATIONS

The President sits on a high platform to the left outside of the picture; speakers address the Assembly from the desk on the left of the picture; delegates sit in blocks of four (one alternate) on the main floor; the lower galleries to left and right are reserved for journalists; the remainder of the limited space available is open to visitors.

Relative importance of League organs by reference to subject matter. — This clearly places the Assembly in the position of the paramount organ of the League. The normal process of League activity should be something like this: determination of fundamental political and legal principles by the Assembly, execution of those rules and principles by the Council and the Secretariat, particularly the latter, decision of disputed cases in application of those principles to actual facts by the Court, and execution of Court decisions by the Council and Secretariat again. This analysis leaves the Council with little vital work to do except to lead the Assembly to act if leadership is needed (members of the Council are usually members in the Assembly also) to watch over the reference of matters to the Court, and to supervise the activities of the Assembly. This may well become the function of the Council as time goes on. Up to the present the failure of the Assembly to act as fully as it might in the manner indicated and failure of the Members to refer all legal matters to the Court has permitted the Council to occupy a position of dominance to which it should not be entitled in the true nature of things. The normal situation is more and more coming into existence, however, the Assembly gaining more and more power and the Council already receding somewhat into the background.

Sessions of League organs. — It may be added that the manner in which the various bodies of the League meet has much to do with their position. The Secretariat operates continuously day in and day out and is thus in position to serve needs impossible of satisfaction by bodies meeting only intermittently. The Council meets every three months and is thus able to watch over the activities of the Secretariat, to prepare the way for meetings of the Assembly and to help in

carrying out its decisions after they are made. The Assembly meets annually in September and is thus compelled to decide matters in general terms and leave the execution of details to the Council and Secretariat in the long intervals between its meetings. It is difficult to see how it would be practicable to have the Assembly meet more often. Conditions are already



Photo by F. H. Jullien

FORTY-SECOND MEETING OF THE COUNCIL OF THE LEAGUE OF NATIONS,
SEPTEMBER, 1925

The members of the Council discuss matters quietly around the table. Journalists are seated in the middle and visitors in this end of the room.

better than they were during the first year or so of the League's existence when the Council met monthly and seemed to usurp to itself the power of the whole League.

It remains to be seen whether the tendencies here noted will work out to a sound result such as that indicated above. It must be admitted that in recent years the Council itself, in spite of its earlier attitude, has given many indications of

being very ready to permit the Assembly to occupy the position of leader in League affairs. It is sincerely to be hoped that the Assembly will measure up to its opportunity.

Relations among League organs. — Enough has been said, perhaps, to indicate the character of the relations between the Council and the Assembly of the League. That relationship is bound to be one of some slight rivalry; but it should now develop from the earlier domination by the Council to a relation of equality and coöperation, under Council leadership perhaps, or even to supremacy and dominance by the Assembly. Between Assembly and Secretariat, as between Council and Secretariat, the relation is simple: the Secretariat is completely at the command of either or both of these bodies, within the limits set by the Covenant. The Court, on the other hand, is protected by its Statute and by its very position in the League, and is absolutely free in its activities from any domination, or even influence, by any of the bodies located in Geneva. While an integral part of the League in organization, the Court is as independent of the League in its actual operations as if it were a separate body altogether. The same thing is true of the International Labor Organization, and this accounts for the fact that the cooperation between the Labor Office and the Secretariat is tinged, as it is, with a slight degree of rivalry and hostility. On the whole, the constitutional relations among the organs of the League are already sufficiently well defined to avoid any serious misunderstandings.

Matters not mentioned in the Covenant. — Two additional observations may be made in reference to the subjects of the activity of the Council and Assembly. It is interesting to note, for one thing, that a number of matters have arisen and have been taken under consideration by both Council and Assembly which are not specifically allotted to either of these

bodies by the League Covenant. Such are the problems of the financial reconstruction of Austria and Hungary, relations with national Red Cross Societies, and others. In the absence of any prohibition in the Covenant, the field of action of the League is bound to expand in this manner because of the ever increasing interdependence of the nations and the value of having an international organization to which to turn in such matters. As a matter of fact the authorization given the Assembly and Council in Articles III and IV of the Covenant to "deal with any matter within the sphere of action of the League or affecting the peace of the world" is probably warrant for any expansion of jurisdiction which shall ever appear desirable. Within the field of interests to two or more nations, of international questions in the technical sense of that term, the jurisdiction of the League is general and complete.

Agendas of Assembly and Council. -- The "agendas" or list of subjects to be considered at meetings of the Council and the Assembly further illumine this situation. Council agendas are detailed and are assumed to be complete and rigid. Assembly dockets are tentative, general, and by no means complete. That is to say, many matters not placed on the agenda in advance may be brought up in actual sessions of the latter body. Subjects not on the agenda may be brought up in Council meetings also, but there is a distinct difference to be noted here. Matters may be brought up in the Assembly with little or no preparation with some hope of accomplishing something, but in order to obtain any results in Council meetings the way must be prepared by careful study of the problem to be treated. Just why this is so will appear later. Meanwhile it may be added that the Council agendas now contain an average of forty items. In the beginning the number was

larger than this, later it declined to a somewhat smaller number, and now it is rapidly increasing again.

Forms of action taken by League bodies. — To students of government the form of action taken by the organs of the League of Nations is perhaps more interesting than the subjects acted upon. The subjects acted upon must be the common matters of international relations, but the exact treatment applied to each subject considered may vary from voluntary coöperation to binding command and back again.

Decisions by the Court. — The most definite form of action taken by any League body is that taken by the Court. Questions are submitted to the Court either by agreement between two states or by inquiry from the Council or Assembly. In either case the Court decides the question clearly and definitely and there are no doubts left as to what has happened. In theory and in practice the decision is final and binding on all concerned. At its eight sessions during the years 1922-1925 (three ordinary or annual sessions and five special sessions) the Court decided some fifteen cases affecting all types of nations — great and small, Oriental and Occidental — and all sorts of subjects; and in all cases the award was final and decisive of the matter in hand.

Resolutions of the Assembly. — At the other extreme we find that the Assembly must in the main content itself with pious wishes. The business of the Assembly is to discuss, not to decide. Hence the possibility of bringing before the Assembly any subject on the spur of the moment, as already noted, seeing that an expression of opinion is about all that can be hoped for from this body. On questions of League organization and procedure, for example elections of judges of the Court, the Assembly may take decisive actions. But in most matters it only utters its hopes, or fears, or desires, or views, and then

trusts to the voluntary acquiescence of the States concerned. It does not pass binding laws. Usually it does not so much as to make recommendations to Member States, as does the Council. It does not even draft treaties for signature and ratification by the States, the Protocol of 1924 being a lone exception to this statement, although perhaps an exception of some promise for the future. And while much more seems capable of being accomplished by this method of government by exhortation than one would expect, still the Assembly will never be able fully to direct and control international relations until it is given real law-making power, an event probably still far in the future.

Adjustment by the Council. — It is more difficult to describe the form of action taken by the Council. The Council cannot definitively decide questions coming before it as can the Court. But neither is it compelled to content itself with passing resolutions. Perhaps the best way to describe the action of the Council is to say that it seeks to adjust matters which come before it to the satisfaction of the interested parties. In actual practice, this means that, when a question is brought before the Council, that body makes a study of the problem by means of a committee and then invites the parties to discuss the matter around the Council table, making such suggestions or recommendations as seem calculated to secure agreement between them. The process thus becomes one of negotiation between the parties in the presence of the members of the Council who represent the general interest of the nations in seeing just and peaceful settlement reached as promptly as may be. This method of action has its defects. It is less decisive than the action of the Court. It is more closely confined to specific cases, and it proceeds less upon grounds of general principle which promotes the general inter-

national welfare in the present and future, than does the action of the Assembly. It is more in the nature of bargaining and compromise. But it has great advantages. It is easier to secure an opportunity for such action than to secure submission to the Court and it involves less dictation to the parties concerned and rests to a greater degree upon free consent. Where it is successful, it may be the very best form of action available for the complicated problems of international relations. The Council, like the Assembly, has the power to act decisively in certain constitutional matters, such as the appointment of the High Commissioner for Danzig. The Council may also adopt resolutions expressing its views and wishes, like the Assembly, although its limited membership makes such resolutions less forceful than those expressive of the views of all League members gathered in the Assembly.

One result of this situation is seen in the temptation which confronts the Council, and to which it frequently yields, namely, to create ever more numerous conferences and commissions, in addition to its own committees, for the purpose of dealing with questions coming before it. This accounts in part for the multiplication of such bodies connected with the Secretariat and its Sections. The tendency is not wholly a sound one.

The extent to which the Council must depend on the Secretariat may be inferred from what has just been said. The Secretary-General does not only act in a secretarial rôle at meetings of the Council. He helps to prepare the matters that are to come before the Council for action, and he and his subordinates help to carry out adjustments reached in Council meetings. The result is that the Council and the Secretariat appear drawn into a collaboration whereby the execution and the administrative application of Council

actions proceed without interruption from beginning to end. The relationship of coöperation here is closer than at any other point in the League machinery.

Type of action of Secretariat. — In carrying on most of its work the Secretariat possesses less authority than any one of the other three organs of the League. It cannot decide concrete cases, like the Court. It cannot pass upon questions of general principle, like the Assembly. It cannot actually adjust concrete cases or make recommendations on general matters, like the Council. It can only investigate matters not yet decided by any of the other bodies, or carry out decisions already made by them. It collects, compiles, edits, and publishes data, and translates or drafts documents; it writes, receives, or files correspondence for later reference to the Council or Assembly. In the field outside of Geneva the affiliated organizations do the same sort of work and, in addition, they actually spend money for food and distribute it or they transport refugees or prisoners or disinfect buildings where such action has been provided for by Council or Assembly action. In sum, the Secretariat and its affiliated bodies perform all the varieties of governmental work naturally preceding or following the decision of what shall be done by the bodies intrusted with making that decision.

Activities of Labor Organization bodies. — Finally it should be noted that the bodies of the International Labor Organization perform, in general, types of work the same as those performed by the corresponding organs of the League. The Labor Office, however, and not the Governing Body, tends to perform the sort of work for the Labor Organization which is performed by the Council in the League. And the General Conference, under the terms of the Constitution of the Labor Organization, is empowered to draft treaties for submission

to the Member States and does draft such treaties far beyond anything yet attempted by the Assembly; some twenty draft treaties and twenty formal recommendations were produced by the General Conference prior to 1925.



SECRETARIAT, REFUGEE WORK IN THE FIELD

Agents acting under the League care for refugees, victims of pestilence and famine, and persons suffering from all sorts of calamities and hardships. The work is carried on out in the field wherever the work has to be done; central control remains in Geneva.

League publications. — No better idea of the activities of the League of Nations could be obtained than that afforded by an inspection of the publications of the League. The *Monthly Summary* records briefly the current activities of all League organs. The monthly *Official Journal* gives records and documents concerning all Council meetings and actions. The *Records of the Assembly* record the annual meetings of that body. The *Treaty Series* contains all treaties registered with

the Secretariat. The *Publications of the Permanent Court of International Justice* include all opinions and judgments of the Court and documents relating thereto. The *Labor Review* and *Official Bulletin* give the work of the Labor Organ-



PUBLICATIONS OF THE LEAGUE OF NATIONS

The official Journal (upper left) is the main documentary publication of the League, the Monthly Summary (top center) a current record of all activities. Treaties are published in the Treaty Series (lower left). Assembly records are published in distinct volumes (right). Hundreds and even thousands of documents are published by the Court and the Labor Office.

ization. In addition to these, hundreds of documents and pamphlets issue continuously from all the Sections and Affiliated Organizations of the Secretariat and the branches of the Labor Office.

The aggregate impression one must derive from a study of the activities of the League of Nations is that an enormous

amount of work is being carried on. This is being done in spite of an entire lack of what is supposed to be the one essential element in government, namely, the power of dictation which is to be found nowhere in the whole League system.

STUDY HELPS

A. QUESTIONS FOR DISCUSSION

1. How does action by the League of Nations differ from action by the government of the United States?
2. Under what specific conditions can the World Court act?
3. With what kinds of questions does the League deal?
4. Why does the League have more success with humanitarian questions than with political questions?
5. What advantages would come to the League by confining its activities to legal and non-contentious questions? What disadvantages?
6. Make a list of all the organs of the League and show the type of problem for which each is best equipped.
7. Describe the relations between the Council and the Assembly.
8. Contrast the definiteness of action that may be taken by the different organs of the League.
9. Why is it true to say that the League does not possess the power to act without the immediate consent of the governed?

B. QUESTIONS FOR INVESTIGATION

1. How did the League help in the financial reconstruction of Austria and Hungary?
2. What actions has the League taken that have been particularly beneficial to the world?
3. Has the League suffered any notable reverses?
4. What difficulties arose when it was proposed to elect Germany to the League?

SELECTED REFERENCES

References marked thus (*) are especially useful.

General

*MOON, P. T., *Syllabus of International Relations*, The Macmillan Company.

*POTTER, P. B., *Introduction to the Study of International Organization*, revised, The Century Company.

Specific to Chapter XIV

See references for Chapter XIII.

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CHAPTER XV

THE AMERICAN CITIZEN AND THE INTERNATIONAL PROBLEM

What has been the traditional policy of the United States in international affairs?

What should the United States do to promote world peace, justice, and mutual service?

How the individual citizen may help solve this problem.

The part of the individual citizen. — We are now in a position to ask ourselves what the individual American citizen may do to help in the solution of the pressing problem of world peace and justice. This will involve some review of traditional American policy in international affairs and also a discussion of the part which the individual may play either in molding the national foreign policy or in discussing international affairs as a citizen of the world.

Review of American foreign policies. — The policy of the United States toward the question of international peace and order can be stated clearly. There is no nation whose attitude in the face of the problem of international relations has been more definite and more consistent. Yet there have been put forward two diametrically opposed pictures of the policy of the United States toward other nations. Let us first attempt to clear up this conflict of views and secure a complete and accurate statement of the position taken by the United States on all these matters.

Devotion to peace as an ideal. — In the first place the United States has been a peace-loving nation. It is true that we have

been engaged in several wars since 1774, when a national foreign policy first made its appearance. But in most cases we have been involved in war against our wishes and for purposes of national defense. We have always maintained a ridiculously small army, relied on militia forces and volunteers for recruits, and maintained, until very recently, a very small standing navy. Beyond this may be cited the fact that there have appeared in the United States more peace societies and peace pamphlets and peace prizes than in any other country in the world. Only America could have produced the Ford peace ship.

Anti-imperialism. — Closely connected with our anti-militarist policy has been our anti-imperialist policy. We have discovered and settled and purchased new territory, but we have seldom taken territory by conquest. We have decried the practice of imperial conquest by others. Such territories as we have acquired we have given a full standing as States or self-governing Territories in the Union instead of keeping them in a condition of perpetual dependence. We early urged upon the world the policy of recognizing as independent states any colonies declaring and achieving independence in spite of the opposition of the imperial oppressor.

Promotion of international intercourse and diplomacy. — We have adopted and pursued certain policies making for freer and fuller intercourse among the nations in the fields of commerce and travel and also in the field of diplomacy. We have demanded the opening of international straits and rivers, the abolition of port restrictions, and the curtailment of the power of belligerents to interfere with neutral commerce in time of war. We have demanded the simplification of diplomacy by the elimination of the old emphasis upon precedence and ceremony and rank, so that diplomatic negotiations might

be carried on more freely and effectively. These demands have promoted international intercourse and coöperation.

Promotion of international law and arbitration. — Going one step farther, we have sought the development of international law more insistently and effectively than any other nation. We have demanded that international disputes be settled by

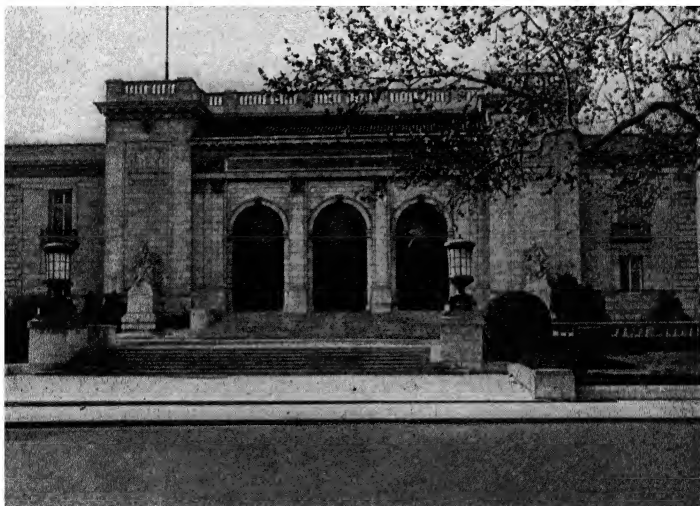


Photo from Ewing Galloway

PAN-AMERICAN UNION, WASHINGTON

Erected in 1910 by Mr. Andrew Carnegie, as the headquarters of the Pan-American Union and supported by the republics of North, Central, and South America.

reference to international law rather than by diplomatic bargaining. We have, therefore, urged the establishment of courts of arbitration, the submission of international disputes to such courts, and the adoption of agreements for obligatory arbitration to an extent not equalled by any other nation. The United States has done more than any other nation in

history to promote the achievement of international peace and order by these means.

International administration. — In the field of international administration likewise the United States has led the way. It was an American who first proposed the establishment of the Universal Postal Union. America gave to the world the International Institute of Agriculture. We have become members of numbers of other bureaus and commissions. And in promoting the establishment and development of the Pan-American Union we have led in the creation of a system of organized international coöperation more elaborate and more continuous and productive than any other such organization outside of the League of Nations itself.

Neutrality, no alliances, Monroe Doctrine. — Of this picture the policies of neutrality, no alliances, and the Monroe Doctrine in no wise constitute a denial or contradiction. We try to remain neutral in wars among other nations in which no interests of ours are at stake in order to remain friends with both sides and be able to serve as peace-maker when the time is ripe. We refuse to ally ourselves with particular foreign powers in order to remain equally cordial with all, in order to be able to coöperate with all. By the Monroe Doctrine we simply oppose acquisition of new territory in this hemisphere by non-American powers or interference by them in the domestic affairs of American nations, but we do not pretend to prevent the Latin-American nations from taking full part in international coöperation in general nor do we regard ourselves as bound to refrain from taking part therein where we choose so to do.

Legend of "American isolation." — Whence, then, the legend of "American isolation"? And what truth is there in this legend?

The legend that the United States has maintained a policy of isolation or non-participation in international coöperative efforts generally is based upon three factors. In the first place it is due to the activities of opponents of the policies of Washington, Jefferson, and Monroe in the years from 1800 to 1825, activities which succeeded to some extent at that time in caricaturing the wise and lofty policies of the Fathers into petty rules of "safety first." It is due to the fact that we were so preoccupied after 1825 with domestic affairs — western expansion and slavery — that all our attention was turned inward upon these problems. It is due most of all to the fact that during the half-century from 1825 to 1875 there were few reasons why we should take much part in international affairs, for international affairs of world-wide importance were relatively quiet during this period and our own foreign interests had not yet developed to any great extent.

Lack of truth in this legend. — The degree of truth in the legend of isolation may perhaps be judged from what has just been said. No President or Secretary of State has ever proclaimed such a policy. The United States has never refrained from acting in international affairs whenever national interests demanded action. Nor have we refrained, when so acting, from joining with other nations in permanent and binding arrangements for the creation and employment of international courts, conferences, and commissions.

Extent of American international interests. — The real problem, therefore, is and has always been, a problem of fact: to what extent are American interests at stake in European and general international politics at any given time? From 1775 to 1825 our interests were closely involved in European international relations; hence during that period we heard nothing about "isolation" or non-participation. From 1825 to 1875

or 1900 a different situation developed and the myth that the United States could have no interest in European and general international politics and would take no part in them as a matter of principle, arose. Since 1900 the situation has changed again. Our international interests have become manifold and important. These facts have now presented the country and the individual citizen with the present problem: what shall the United States do by way of coöperating with other nations, either in the League of Nations or outside of it, to promote world peace, justice, and mutual service?

Rôle of the individual citizen. — *To study facts of the case.* — The first job for the individual citizen when confronted with such a problem is to become acquainted with the facts. He must learn something of world geography and economics and of international politics. He may be assumed to know what America needs. He must next know the world of nations in which her needs must be satisfied. And for this purpose he must read books and examine maps and study the statistics of world life and also make an effort, through his newspaper, to keep in touch with the current of events among the nations. The citizen who fails to become acquainted with the international situation and watch the course of international politics is failing in the first step of patriotic service, and he cannot complain if he is some day whirled off to training camp without knowing why we are at war.

To reflect on the problem. — The next thing for the citizen to do is to form some conclusions or judgments about these things. Problems of policy do not answer themselves. What America does toward France depends on what we feel we ought to do, on what we want to do, toward France. And for this the citizen needs to indulge in that rare but useful activity known as thinking. He needs to pause at times, withdraw his

OFFICIAL BALLOT

If you desire to vote an entire party ticket for state, congressional, legislative and county offices make a cross (X) or other mark in the circle (O) under the party designation at the head of the ballot. If you desire to vote for particular persons without regard to party, mark in the square at the right of the name of the candidate for whom you desire to vote if it be there, or write any name that you wish to vote for, in the proper place.

DEMOCRAT ○	PROHIBITION ○	REPUBLICAN ○	SOCIALIST ○	INDEPENDENT
For Governor—	For Governor— M. L. WELLES <input type="checkbox"/>	For Governor— JOHN J. BLAINE <input type="checkbox"/>	For Governor— LOUIS A. ARNOLD <input type="checkbox"/>	For Governor— ARTHUR A. BERTLEY, (Independent Democrat) <input type="checkbox"/> ARTHUR A. CHURCH, (Isolated Labor Party) <input type="checkbox"/>
Lieutenant Governor—	Lieutenant Governor— ELLA TENNEY SANFORD <input type="checkbox"/>	Lieutenant Governor— GEOBOS F. COMINGS <input type="checkbox"/>	Lieutenant Governor— MARTIN BROGGERMAN <input type="checkbox"/>	Lieutenant Governor— JOSEPH S. PIFFNER, (Independent Democrat) <input type="checkbox"/>
Secretary of State—	Secretary of State— MARIA I. A. NELSEN <input type="checkbox"/>	Secretary of State— FRED S. SIMMERMAN <input type="checkbox"/>	Secretary of State— NATHANIEL BOORMAN <input type="checkbox"/>	Secretary of State— PETER S. BARONKALA, (Independent Democrat) <input type="checkbox"/>
State Treasurer—	State Treasurer— CLYDE D. MEAD <input type="checkbox"/>	State Treasurer— SOLOMON LEVITAN <input type="checkbox"/>	State Treasurer— L. P. CHRISTENSEN <input type="checkbox"/>	State Treasurer— BELL TAYLOR, (Independent Democrat) <input type="checkbox"/>
Attorney General—	Attorney General— CHARLES L. ALLEN <input type="checkbox"/>	Attorney General— HERMAN L. KERN <input type="checkbox"/>	Attorney General—	Attorney General— JEREMIAH F. COLLINS, (Independent Democrat) <input type="checkbox"/>
United States Senator—	United States Senator— ADOLPH B. BUCKHAM <input type="checkbox"/>	United States Senator— ROBERT H. LA FOLLETTE <input type="checkbox"/>	United States Senator—	United States Senator— JAMES LACE SHOFFER, (Independent Democrat) <input type="checkbox"/> RICHARD KOPPEL, (Isolated Labor Party) <input type="checkbox"/>
Member of Congress 1st Dist.—	Member of Congress 1st Dist.—	Member of Congress 1st Dist.— JOHN M. PIERSON <input type="checkbox"/>	Member of Congress 1st Dist.—	Member of Congress 1st Dist.— ALBERT BILLY, (Independent Democrat) <input type="checkbox"/>
Member of Assembly 1st Dist.—	Member of Assembly 1st Dist.— W. J. BOSHONG <input type="checkbox"/>	Member of Assembly 1st Dist.— MERRAN W. BACHTEN <input type="checkbox"/>	Member of Assembly 1st Dist.—	Member of Assembly 1st Dist.—
County Clerk—	County Clerk—	County Clerk— GEOBOS J. FIELESTAD <input type="checkbox"/>	County Clerk—	County Clerk—
County Treasurer—	County Treasurer—	County Treasurer— BERNARD S. RINDER <input type="checkbox"/>	County Treasurer—	County Treasurer—
Sheriff—	Sheriff—	Sheriff— JULIUS J. KRUG <input type="checkbox"/>	Sheriff—	Sheriff— JOE BAGGETT, (Independent Republican) <input type="checkbox"/>
Coroner—	Coroner—	Coroner— JOSEPH B. STEPHENSON <input type="checkbox"/>	Coroner—	Coroner—
Clerk of Circuit Court—	Clerk of Circuit Court—	Clerk of Circuit Court— BERNARD P. MARSEN <input type="checkbox"/>	Clerk of Circuit Court—	Clerk of Circuit Court—
District Attorney—	District Attorney—	District Attorney— THEODORE G. LEWIS <input type="checkbox"/>	District Attorney—	District Attorney—
Register of Deeds—	Register of Deeds—	Register of Deeds— C. A. LEWIS <input type="checkbox"/>	Register of Deeds—	Register of Deeds—
Surgeon—	Surgeon—	Surgeon— PHILIP H. HUNTER <input type="checkbox"/>	Surgeon—	Surgeon—

By his vote the citizen helps to decide who shall represent the country in Congress. In casting his vote he should know how candidates stand on questions involving American action toward other nations.

attention from the radio and baseball and movies — only for a little while, perhaps — and reflect upon what America should do in matters of this kind. If he can correct his own conclusions by talking them over with his fellow-citizens both he and they and the resulting public opinion will benefit. Nothing is better for America than to have her people discussing in the newspapers, in street-cars, and in the home, the problems of her international relations.

To express his opinions. — The third and final step for the intelligent individual who desires to have a helpful influence as an American citizen on the solution of the problem of international peace and order is to exert himself to influence action by Congress and the President or the President's agent, the Secretary of State, in conformity with his opinions and desires. This the citizen may do by casting his ballot for Congressman, for Senator, and for President with questions of foreign policy as well as domestic issues in mind. His task is not then completed, however, for he should watch the public officials, whom he and his fellow-citizens have elected, to see whether they live up to their campaign pledges in handling questions of foreign policy and whether they act wisely in questions not at issue in the preceding campaign which will come up for review and judgment in the next. And if the Senators and the President are going astray in these matters, it is the citizen's privilege and duty to himself, to his family, and to his country, to write to these public servants and express his views. Such expressions of opinion are respectfully attended to by those in positions of power. Without them public officials must do the best they can and hope for success and approval later. The American citizen can control the foreign policy of his country if he will exert himself to do so.

To be a citizen of the world. — Finally, apart from his activity

as an American citizen, the individual man or woman may contribute to the advancement of world peace and order as a citizen of the world. Even though he never travels abroad he may meet people from other lands who come to this country and help to influence them and through them their nations toward a better international order. Even though he never have an opportunity of this sort, the individual man or woman may help to develop public opinion on these questions in his or her own community, in the nation, and in the world at large in a manner which cannot help but influence the course of actual events. If the individual would do his part let him keep reading about these things, thinking about them, and talking with his fellows about them on all suitable occasions; the results will follow in due season.

Present general tendencies in international relations. — *Diplomacy, treaties, and international law.* — There is little doubt as to the nature of present general tendencies in international relations. The situation among the nations is such that it is not possible to doubt that the next quarter of a century will see a great expansion and intensification of international intercourse, international politics, and organized international coöperation. We may look to see the consular and diplomatic services of all the nations expanded and improved. The number of treaties among the nations will be multiplied except in so far as many treaties are displaced by a few standardized treaties each signed by many nations. The principles and rules of international law will be expanded and elaborated and codified at a steady pace.

Administration, conference, arbitration. — We may look to see increasing use made of international administrative bodies of various sorts, — bureaus, boards, and commissions, — and increasing recourse had to international conferences on non-

political matters such as are commonly dealt with by these commissions. We may also expect to see increased use of international conferences even on political questions, but with the voluntary character of attendance and acceptance of the results carefully preserved. Similarly, the practice of arbitration should go on increasing, but whether the adoption of obligatory arbitration as a general practice may be looked for in the near future is uncertain.

Enforcement and peace. — In other words, there is no doubt that voluntary and non-enforceable international coöperation will continue to be expanded and intensified, but whether any solution will be found for the problem of enforcement as discussed in Chapter X remains to be seen. It is the most critical aspect of the problem of international government, the most difficult to solve, and the problem the solution of which would mean most. The whole group of questions — disarmament, security, enforcement — which are now engaging the best attention of the most serious students of this whole field, may be solved in the next twenty-five years. Or they may fail of solution.

In the latter case we may see the nations drift along, making the most they can out of the voluntary and unforced international coöperation which we have known hitherto. There are those who seriously believe and contend that this would be best in any case because enforcement must raise difficulties which might be insuperable and certainly greater than those encountered by relying on voluntary coöperation. We may see that body of voluntary coöperation built up until non-coöperation ceases to occur to any nation, rendering enforcement and the problem of enforcement obsolete.

Or we may see another World War and great peril to Western civilization. Another year of war in 1918-1919 would

have produced a situation in Western Europe where economic life, health, and morality would have been in danger of collapse in the face of anarchy and chaos. If the problem of enforcing law and order and authoritatively preserving the peace against



Photo by Brown Bros.

AIR VIEW OF CAPITOL, WASHINGTON

Here may be seen the Capitol Building and the office buildings of the House of Representatives and the Senate. In these buildings our representatives decide the policies of our nation.

any nation seeking to break the peace and order of the world for its own gain is not solved in the next ten years — and it has not been solved in the years since the World War — we shall have reached the end of that period of fatigue the expiration of which may permit forgetful nations to plunge into war again.

There is little doubt that this effort will be undertaken, just as the other efforts at international coöperation will be made, in and through the League of Nations. The efforts which the nations must make in this direction are too elaborate to be made except through a general international federation such as the League. The present League will probably be retained and modified according to need, rather than abandoned for the creation of an entirely new league. The nations of Europe and of the rest of the world, at all events, seem now disposed to attempt to solve all these problems chiefly or wholly through the League.

That means that if the United States has any interests to protect in these matters we must act either in competition with the League, in coöperation with it, or as a partial or complete number thereof. What we should do is by no means clear. What we shall do will be determined however by our own people acting in response to the pressure of conditions and events. The danger is that on the many points on which we may have to pass in the next decade or two we shall not watch conditions and events with sufficient care to make the proper decisions, — in other words, that we in America shall not investigate sufficiently or consider sufficiently or discuss sufficiently the great issues of international relations to guide aright the choices which America shall make. Wrong decisions by America in these matters in the near future will make or mar the success of the efforts made to establish world peace and order as will the decisions of no other nation. In the hands of America rests the fate of international peace and justice in the world for the next fifty years. In the hands of her citizens rests the part she shall play during that critical period, among the nations of the world.

SUGGESTED STUDY HELPS AND QUESTIONS

A. QUESTIONS FOR DISCUSSION

1. What two diametrically opposed pictures of the foreign policy of the United States have been put forward?
2. Why can such different ideas exist?
3. What steps has the United States taken to forward the peace movement?
4. Are the policies of neutrality, no alliances, and the Monroe Doctrine consistent with our attitude towards international law and international administrative action? Give reasons for your answer.
5. Why is "American isolation" called a legend?
6. What has brought about the idea that we have a policy of "isolation"?
7. What ought the individual to do in playing his part in forming our foreign policy?
8. Which kind of international cooperation seems likely to advance in the next few years, voluntary or enforceable? Why?
9. How can the world avoid another World War?
10. Why can it be said that "in the hands of America rests the fate of peace and justice"?

B. QUESTIONS FOR INVESTIGATION

1. What have been the causes of the various wars fought by the United States?
2. Read Washington's Farewell Address and discuss the meaning of his advice and the reasons that led to it.
3. What is the Universal Postal Union and how is it managed?
4. What problems has the taking of the Philippines thrust on the United States?
5. What was the Ford Peace Ship and what happened to it?

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APPENDIX I

MEMBERSHIP AND COVENANT

OF

THE LEAGUE OF NATIONS

ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS,

SIGNATORIES OF THE TREATY OF PEACE

United States of America	Haiti
Belgium	Hedjaz
Bolivia	Honduras
Brazil	Italy
British Empire	Japan
Canada	Liberia
Australia	Nicaragua
South Africa	Panama
New Zealand	Peru
India	Poland
China	Portugal
Cuba	Roumania
Ecuador	Serb-Croat-Slovene State
France	Siam
Greece	Czechoslovakia
Guatemala	Uruguay

STATES INVITED TO ACCEDE TO THE COVENANT

Argentine Republic	Persia
Chile	Salvador
Colombia	Spain
Denmark	Sweden
Netherlands	Switzerland
Norway	Venezuela
Paraguay	

FIRST SECRETARY-GENERAL OF THE LEAGUE OF NATIONS

The Hon. Sir James Eric DRUMMOND, K.C.M.G., C.B.

COMPLETE MEMBERSHIP OF THE LEAGUE OF NATIONS

ABYSSINIA	September 28, 1923	INDIA	January 10, 1920
ALBANIA	December 17, 1920	IRISH FREE STATE	September 10, 1923
ARGENTINA	July 18, 1919	ITALY	January 10, 1920
AUSTRALIA	January 10, 1920	JAPAN	January 10, 1920
AUSTRIA	December 15, 1920	LATVIA	September 22, 1921
BELGIUM	January 10, 1920	LIBERIA	June 30, 1920
BOLIVIA	January 10, 1920	LITHUANIA	September 22, 1921
BRAZIL	January 10, 1920	LUXEMBURG	December 16, 1920
BRITISH EMPIRE	January 10, 1920	NETHERLANDS	March 9, 1920
BULGARIA	December 16, 1920	NEW ZEALAND	January 10, 1920
CANADA	January 10, 1920	NICARAGUA	April, 1920
CHILE	November 4, 1919	NORWAY	March 5, 1920
CHINA	July 16, 1920	PANAMA	January 10, 1920
COLOMBIA	February 16, 1920	PARAGUAY	December 26, 1919
COSTA RICA	December 16, 1920	PERSIA	November 21, 1919
CUBA	March 8, 1920	PERU	January 10, 1920
CZECHOSLOVAKIA	January 10, 1920	POLAND	January 10, 1920
DENMARK	March 8, 1920	PORTUGAL	April 8, 1920
DOMINICAN		ROUMANIA	April 7, 1920
REPUBLIC	September 29, 1924	SALVADOR	March 10, 1920
ESTHONIA	September 22, 1921	SERB-CROAT-	
FINLAND	December 16, 1920	SLOVENE STATE	February 10, 1920
FRANCE	January 10, 1920	SIAM	January 10, 1920
GERMANY	September 9, 1926	SOUTH AFRICA	January 10, 1920
GREECE	March 30, 1920	SPAIN	January 10, 1920
GUATEMALA	January 10, 1920	SWEDEN	March 9, 1920
HAITI	June 30, 1920	SWITZERLAND	March 8, 1920
HONDURAS	November 3, 1920	URUGUAY	January 10, 1920
HUNGARY	September 18, 1922	VENEZUELA	March 3, 1920

COVENANT OF THE LEAGUE OF NATIONS

THE HIGH CONTRACTING PARTIES,

In order to promote international co-operation and to achieve international peace and security

- by the acceptance of obligations not to resort to war,
- by the prescription of open, just and honourable relations between nations,
- by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and
- by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another,

Agree to this Covenant of the League of Nations.

ARTICLE I

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

2. Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

3. Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

ARTICLE II

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE III

1. The Assembly shall consist of Representatives of the Members of the League.

2. The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

4. At meetings of the Assembly, each Member of the League shall have one vote and may have not more than three Representatives.

ARTICLE IV

1. The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be Members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

2b. The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

5. Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

6. At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

ARTICLE V

1. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

2. All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

3. The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

ARTICLE VI

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

2. The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council

4. The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council

5. The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.

ARTICLE VII

1. The Seat of the League is established at Geneva.

2. The Council may at any time decide that the Seat of the League shall be established elsewhere

3. All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

4. Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

5. The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

ARTICLE VIII

1. The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

2. The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

3. Such plans shall be subject to reconsideration and revision at least every ten years.

4. After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

5. The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

ARTICLE IX

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

ARTICLE X

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE XI

1. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE XII

1. The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council.

2. In any case under this Article the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE XIII

1. The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration or judicial settlement, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement.

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or judicial settlement.

3. For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.

4. The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE XIV

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

ARTICLE XV

1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof

2. For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

6. If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

8. If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

9. The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute provided that such request be made within fourteen days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE XVI

1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such a case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting

any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

ARTICLE XVII

1. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

2. Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

3. If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

4. If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE XVIII

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

ARTICLE XIX

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

ARTICLE XX

1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

ARTICLE XXI

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

ARTICLE XXII

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

6. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity of the territory of the Mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge

8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

ARTICLE XXIII

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and

in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations,

- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest,
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

ARTICLE XXIV

1. There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

ARTICLE XXV

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE XXVI

1. Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

2. No such amendments shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

APPENDIX II

PERMANENT COURT OF INTERNATIONAL JUSTICE

STATUTE

ARTICLE 1. A Permanent Court of International Justice is hereby established in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organized by the Conventions of The Hague of 1899 and 1907, and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

CHAPTER I

Organization of the Court

ART. 2. The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ART. 3. The Court shall consist of fifteen members: eleven judges and four deputy-judges. The number of judges and deputy-judges may hereafter be increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of fifteen judges and six deputy-judges.

ART. 4. The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

In the case of Members of the League of Nations not represented in the Permanent Court of Arbitration, the list of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

ART. 5. At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the Members of the Court of Arbitration belonging to the States mentioned in the Annex to the

Covenant or to the States which join the League subsequently, and to the persons appointed under paragraph 2 of Article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

ART. 6. Before making these nominations, each national group is recommended to consult its Highest Court of Justice, its Legal Faculties and Schools of Law, and its National Academies and national sections of International Academies devoted to the study of Law.

ART. 7. The Secretary-General of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible for appointment.

The Secretary-General shall submit this list to the Assembly and to the Council.

ART. 8. The Assembly and the Council shall proceed independently of one another to elect, firstly the judges, then the deputy-judges.

ART. 9. At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

ART. 10. Those candidates who obtain an absolute majority of votes in the Assembly and in the Council shall be considered as elected.

In the event of more than one national of the same Member of the League being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

ART. 11. If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ART. 12. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the Conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Articles 4 and 5.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been appointed shall, within a period to be fixed by the Council, proceed to fill the vacant seats by

selection from among those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

ART. 13. The members of the Court shall be elected for nine years. They may be re-elected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

ART. 14. Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the Court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

ART. 15. Deputy-judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the Court and shall have regard firstly to priority of election and secondly to age.

ART. 16. The ordinary Members of the Court may not exercise any political or administrative function. This provision does not apply to the deputy-judges except when performing their duties on the Court

Any doubt on this point is settled by the decision of the Court

ART. 17. No Member of the Court can act as agent, counsel or advocate in any case of an international nature. This provision only applies to the deputy-judges as regards cases in which they are called upon to exercise their functions on the Court.

No Member may participate in the decision of any case in which he has previously taken an active part, as agent, counsel or advocate for one of the contesting parties, or as a Member of a national or international Court, or of a Commission of inquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the Court.

ART. 18. A member of the Court can not be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

Formal notification thereof shall be made to the Secretary-General of the League of Nations, by the Registrar.

This notification makes the place vacant.

ART. 19. The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

ART. 20. Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

ART. 21. The Court shall elect its President and Vice-President for three years; they may be re-elected.

It shall appoint its Registrar.

The duties of Registrar of the Court shall not be deemed incompatible with those of the Secretary-General of the Permanent Court of Arbitration.

ART. 22. The seat of the Court shall be established at The Hague.

The President and Registrar shall reside at the seat of the Court.

ART. 23. A session of the Court shall be held every year.

Unless otherwise provided by rules of Court, this session shall begin on the 15th of June, and shall continue for so long as may be deemed necessary to finish the cases on the list.

The President may summon an extraordinary session of the Court whenever necessary.

ART. 24. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

If the President considers that for some special reason one of the members of the Court should not sit on a particular case, he shall give him notice accordingly.

If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

ART. 25. The full Court shall sit except when it is expressly provided otherwise.

If eleven judges can not be present, the number shall be made up by calling on deputy-judges to sit.

If, however, eleven judges are not available, a quorum of nine judges shall suffice to constitute the Court.

ART. 26. Labor cases, particularly cases referred to in Part XIII (Labor) of the Treaty of Versailles and the corresponding portion of the other Treaties of Peace, shall be heard and determined by the Court under the following conditions:

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to insuring a just representation of the competing interests.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance

with rules of procedure under Article 30 from a list of "Assessors for Labor cases" composed of two persons nominated by each Member of the League of Nations and an equivalent number nominated by the Governing Body of the Labor Office. The Governing Body will nominate, as to one half, representatives of the workers, and as to one half, representatives of employers from the list referred to in Article 412 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace.

In Labor cases the International Labor Office shall be at liberty to furnish the Court with all relevant information, and for this purpose the Director of that Office shall receive copies of all the written proceedings.

ART. 27. Cases relating to transit and communications, particularly cases referred to in Part XII (Ports, Waterways and Railways) of the Treaty of Versailles and the corresponding portions of the other Treaties of Peace shall be heard and determined by the Court under the following conditions:

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. When desired by the parties or decided by the Court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Transit and Communications cases" composed of two persons nominated by each Member of the League of Nations.

ART. 28. The special chambers provided for in Articles 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

ART. 29. With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

ART. 30. The Court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

ART. 31. Judges of the nationality of each contesting party shall retain their right to sit in the case before the Court.

If the Court includes upon the Bench a judge of the nationality of one of the parties only, the other party may select from among the deputy-judges a judge of its nationality, if there be one. If there should not be one, the party may

choose a judge, preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

If the Court includes upon the Bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this Article shall fulfil the conditions required by Articles 2, 16, 17, 20, 24 of this Statute. They shall take part in the decision on an equal footing with their colleagues.

ART. 32 The judges shall receive an annual indemnity to be determined by the Assembly of the League of Nations upon the proposal of the Council. This indemnity must not be decreased during the period of a judge's appointment.

The President shall receive a special grant for his period of office, to be fixed in the same way.

The Vice-Presidents, judges and deputy-judges shall receive a grant for the actual performance of their duties, to be fixed in the same way.

Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy-judges who do not reside at the seat of the Court.

Grants due to judges selected or chosen as provided in Article 31 shall be determined in the same way.

The salary of the Registrar shall be decided by the Council upon the proposal of the Court.

The Assembly of the League of Nations shall lay down, on the proposal of the Council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the Court.

ART. 33. The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

CHAPTER II

Competence of the Court

ART. 34. Only States or Members of the League of Nations can be parties in cases before the Court.

ART. 35. The Court shall be open to the Members of the League and also to States mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the parties in a position of inequality before the Court.

When a State which is not a Member of the League of Nations is a party to a dispute, the Court will fix the amount which the party is to contribute toward the expenses of the Court.

ART. 36. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force.

The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning

- (a) The interpretation of a Treaty.
- (b) Any question of International Law.
- (c) The existence of any fact which, if established, would constitute a breach of an international obligation
- (d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court

ART. 37. When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal.

ART. 38. The Court shall apply

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States,
2. International custom, as evidence of a general practice accepted as law,
3. The general principles of law recognized by civilized nations,
4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III

Procedure

ART. 39. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will

be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers, the decision of the Court will be given in French and English. In this case the Court will at the same time determine which of the two texts shall be considered as authoritative.

The Court may, at the request of the parties, authorize a language other than French or English to be used.

ART. 40. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The Registrar shall forthwith communicate the application to all concerned.

He shall also notify the Members of the League of Nations through the Secretary-General.

ART. 41. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

ART. 42. The parties shall be represented by Agents.

They may have the assistance of Counsel or Advocates before the Court.

ART. 43. The procedure shall consist of two parts: written and oral.

The written proceedings shall consist of the communication to the judges and to the parties of cases, counter-cases and, if necessary, replies; also all papers and documents in support.

These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

A certified copy of every document produced by one party shall be communicated to the other party.

The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel and advocates.

ART. 44. For the service of all notices upon persons other than the agents, counsel and advocates, the Court shall apply direct to the Government of the State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ART. 45. The hearing shall be under the control of the President or, in his absence, of the Vice-President; if both are absent, the senior judge shall preside.

ART. 46. The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

ART. 47. Minutes shall be made at each hearing, and signed by the Registrar and the President.

These minutes shall be the only authentic record.

ART. 48. The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

ART. 49. The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

ART. 50. The Court may, at any time, intrust any individual, body, bureau, commission or other organization that it may select, with the task of carrying out an inquiry or giving an expert opinion.

ART. 51. During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30

ART. 52. After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ART. 53. Whenever one of the parties shall not appear before the Court, or shall fail to defend his case, the other party may call upon the Court to decide in favor of his claim.

The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

ART. 54. When, subject to the control of the Court, the agents, advocates and counsel have completed their presentation of the case, the President shall declare the hearing closed.

The Court shall withdraw to consider the judgment

The deliberations of the Court shall take place in private and remain secret.

ART. 55. All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

ART. 56. The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

ART. 57. If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ART. 58. The judgment shall be signed by the President and by the Registrar. It shall be read in open Court, due notice having been given to the agents.

ART. 59. The decision of the Court has no binding force except between the parties and in respect of that particular case.

ART. 60. The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

ART. 61. An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

No application for revision may be made after the lapse of ten years from the date of the sentence.

ART. 62. Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

ART. 63. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ART. 64. Unless otherwise decided by the Court, each party shall bear its own costs.

APPENDIX III

CONSTITUTION OF THE INTERNATIONAL LABOR ORGANIZATION

SECTION I

ORGANIZATION OF LABOR

Whereas the League of Nations has for its object the establishment of universal peace and such a peace can be established only if it is based upon social justice;

And whereas conditions of labor exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled, and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labor supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

CHAPTER I

ORGANIZATION

ARTICLE I

A permanent organization is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization.

ARTICLE II

The permanent organization shall consist of ·

- (1) a General Conference of Representatives of the Members and,
- (2) an International Labor Office controlled by the Governing Body described in Article VII.

ARTICLE III

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labor Office by the Government of each of the Members.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

ARTICLE IV

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article III the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

ARTICLE V

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

ARTICLE VI

The International Labor Office shall be established at the seat of the League of Nations as part of the organization of the League.

ARTICLE VII

The International Labor Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions.

The Governing Body of the International Labor Office shall be constituted as follows.

Twelve persons representing the Governments,

Six persons elected by the Delegates to the Conference representing the employers,

Six persons elected by the Delegates to the Conference representing the workers.

Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

ARTICLE VIII

There shall be a Director of the International Labor Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labor Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

ARTICLE IX

The staff of the International Labor Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

ARTICLE X

The functions of the International Labor Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes

It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

ARTICLE XI

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labor Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

ARTICLE XII

The International Labor Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

ARTICLE XIII

Each of the Members will pay the traveling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labor Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

CHAPTER II

PROCEDURE

ARTICLE XIV

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organization recognized for the purpose of Article III.

ARTICLE XV

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

ARTICLE XVI

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organization.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favor of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

ARTICLE XVII

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the vote cast by the Delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

ARTICLE XVIII

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

ARTICLE XIX

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form. (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

In the case of recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

In the case of a federal State, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that Gov-

ernment to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

The above Article shall be interpreted in accordance with the following principle:

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

ARTICLE XX

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

ARTICLE XXI

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organization to agree to such convention among themselves

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

ARTICLE XXII

Each of the Members agrees to make an annual report to the International Labor Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

ARTICLE XXIII

In the event of any representation being made to the International Labor Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

ARTICLE XXIV

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

ARTICLE XXV

Any of the Members shall have the right to file a complaint with the International Labor Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article XXIII.

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Inquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference

When any matter arising out of Articles XXIV or XXV is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

ARTICLE XXVI

The Commission of Inquiry shall be constituted in accordance with the following provisions

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Inquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Inquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

ARTICLE XXVII

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under Article XXV they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

ARTICLE XXVIII

When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

ARTICLE XXIX

The Secretary-General of the League of Nations shall communicate the report of the Commission of Inquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

ARTICLE XXX

In the event of any Member failing to take the action required by Article XIX with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

ARTICLE XXXI

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article XIX or Article XXX shall be final.

ARTICLE XXXII

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

ARTICLE XXXIII

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

ARTICLE XXXIV

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Inquiry to verify its contention. In this case the provisions of Articles XXVI, XXVII, XXVIII, XXIX, XXXI and XXXII shall apply, and if the report of the Commission of Inquiry or the decision of the Permanent Court of International Justice is in favor of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

CHAPTER III

GENERAL

ARTICLE XXXV

The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing

(1) Except where owing to the local conditions the convention is inapplicable, or

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions

And each of the Members shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE XXXVI

Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

ARTICLE XXXVII

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

CHAPTER IV

TRANSITORY PROVISIONS

ARTICLE XXXVIII

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

Arrangements for the convening and the organization of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE XXXIX

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labor Office, who will transmit them to the Secretary-General of the League.

ARTICLE XL

Pending the creation of a Permanent Court of International Justice disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

ANNEX

FIRST MEETING OF ANNUAL LABOR CONFERENCE, 1919

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organizing Committee will consist of seven Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

Agenda.

- (1) Application of principle of the 8-hours day or of the 48-hours week.
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment
 - (a) Before and after child-birth, including the question of maternity benefit,
 - (b) During the night;
 - (c) In unhealthy processes.
- (4) Employment of children
 - (a) Minimum age of employment;
 - (b) During the night;
 - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Bern in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

SECTION II

GENERAL PRINCIPLES

The High Contracting Parties, recognizing that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognize that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labor difficult of immediate attainment. But, holding as they do, that labor should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labor conditions which all industrial communities should endeavor to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First. — The guiding principle above enunciated that labor should not be regarded merely as a commodity or article of commerce.

Second. — The right of association for all lawful purposes by the employed as well as by the employers.

Third. — The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth. — The adoption of an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained.

Fifth. — The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable

Sixth. — The abolition of child labor and the imposition of such limitations on the labor of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh. — The principle that men and women should receive equal remuneration for work of equal value.

Eighth. — The standard set by law in each country with respect to the conditions of labor should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth. — Each State should make provision for a system of inspection in which women should take part, in order to insure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

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